Bill No. X-88-09-26

ANNEXATION ORDINANCE NO. X- 05-88

AN ORDINANCE annexing certain territory commonly known as the Tamarack Annexation Area to Fort Wayne and including the same in Councilmanic District No. 2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be and the same is hereby annexed to, and made a part of, the corporation of the City of Fort Wayne, Indiana, to-wit:

Part of the Southeast Quarter of Section 20 and part of the Southwest Quarter of Section 21 both in Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows:

Beginning at a point, said point being the intersection of the west line of the Southeast Quarter of Section 20, Township 31, North, Range 13 East, and the north right-of-way line of Stellhorn Road (commonly known as S.R. #37); thence in a Northerly direction along said west line, also being the corporate limits as established by Annexation Ordinance X-21 (as filed in the office of the City Clerk), to the intersection with the north line of said Southeast Quarter of Section 20; thence in an Easterly direction along the said north line to the Northeast corner of the Southeast Quarter of Section 20; thence South to the Northwest corner of the Southwest Quarter of Section 21; thence Easterly along said Northline of the Southwest Quarter of Section 21 to the intersection with the east line of said Southwest Quarter of Section 21; thence in a Southerly direction along said east line to the intersection with the north right-of-way line of Stellhorn Road (commonly known as S.R. #37); thence in a Westerly direction along north right-of-way line of Stellhorn Road to its intersection with the west right-of-way line of Reed Road; thence continuing Westerly along said north line, also being the Corporate Limits as described in Annexation Ordinance X-03-84 (as filed in the office of the City Clerk); thence in a Westerly direction along the north right-of-way line of Stellhorn Road (S.R. #37), this being on the existing Corporate Limits, to the point of beginning, containing 315 acres more or less.

The boundaries of said territory are those outlined in the location map designated "Tamarack Annexation", two copies of which are on file in the office of the Clerk of the City of Fort Wayne and available for public inspection as provided by law.

SECTION 2. That the City of Fort Wayne will furnish the above described territory within a period of one (1) year from the effective date of annexation, planned services of a non-capital nature, including police protection, fire protection, and street and road maintenance, in a manner which is equivalent

in standard and scope to those non-capital services provided to areas within the City of Fort Wayne which have similar topography, patterns of land utilization and population density to the said described territory. The City of Fort Wayne will also provide services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three (3) years of the effective date of annexation, in the same manner as such services are provided to areas already in the City of Fort Wayne with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION 3. That governmental and proprietary services will be provided to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Division of Community Development and Planning. Said Plan was examined by the Common Council of the City of Fort Wayne and is approved and adopted by the Common Council by and upon the passage of this Ordinance.

SECTION 4. That said described territory shall be a part of Councilmanic Political Ward No. 2 of the City of Fort Wayne, Indiana, as described in Division I, Section 2-9 of Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended.

SECTION 5. That after its passage, any and all necessary approval by the Mayor, due legal publication, and the required sixty (60) day remonstrance period, this Ordinance shall be in full force and effect. The above described territory shall become part of the City of Fort Wayne on December 31, 1989, provided a remonstrance is not filed. In the event a remonstrance is filed, the effective date of annexation shall be thirty days after the termination of the appeal period after the judicial disposition of the remonstrance.

SECTION 6. In the event that no remonstrance is filed, property owners shall be entitled to an abatement of a portion of their property tax liability under I.C. 6-1.1 for municipal purposes, as provided by I.C. 36-4-3-8.5. Said tax abatement program shall be in effect for the two taxable years after December 31, 1989. Sixty-six percent (66%) of the taxpayer's liability for municipal purposes shall be abated in the first year of the abatement program. Thirty-three percent (33%) of the taxpayer's liability for municipal purposes shall be abated in the second year of the abatement program. On or before February 1 of each taxable year during the abatement program, the Divison of Community Development and Planning, or its designated representative or successor, shall identify and certify to the Auditor of Allen County those properties eligible for abatement under this ordinance.

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY

J. TIMOTHY McCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Redd, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Annexation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council ~~Conference Room 128, City-County Building~~, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock ____.M.,E.S.T.

DATED: 9-27-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd, seconded by Stier, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	6	3		
BRADBURY		✓		
BURNS	✓			
GiaQUINTA		✓		
HENRY	✓			
LONG	✓			
REDD	✓			
SCHMIDT	✓			
STIER		✓		
TALARICO	✓			

DATED: 11-22-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) ~~(APPROPRIATION)~~ ~~(GENERAL)~~ ~~(SPECIAL)~~ ~~(ZONING MAP)~~ ORDINANCE RESOLUTION NO. X-05-88 on the 22nd day of November, 19 88.

ATTEST: Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

~~SEAL~~ Thomas C. Henry
PRESIDING OFFICER

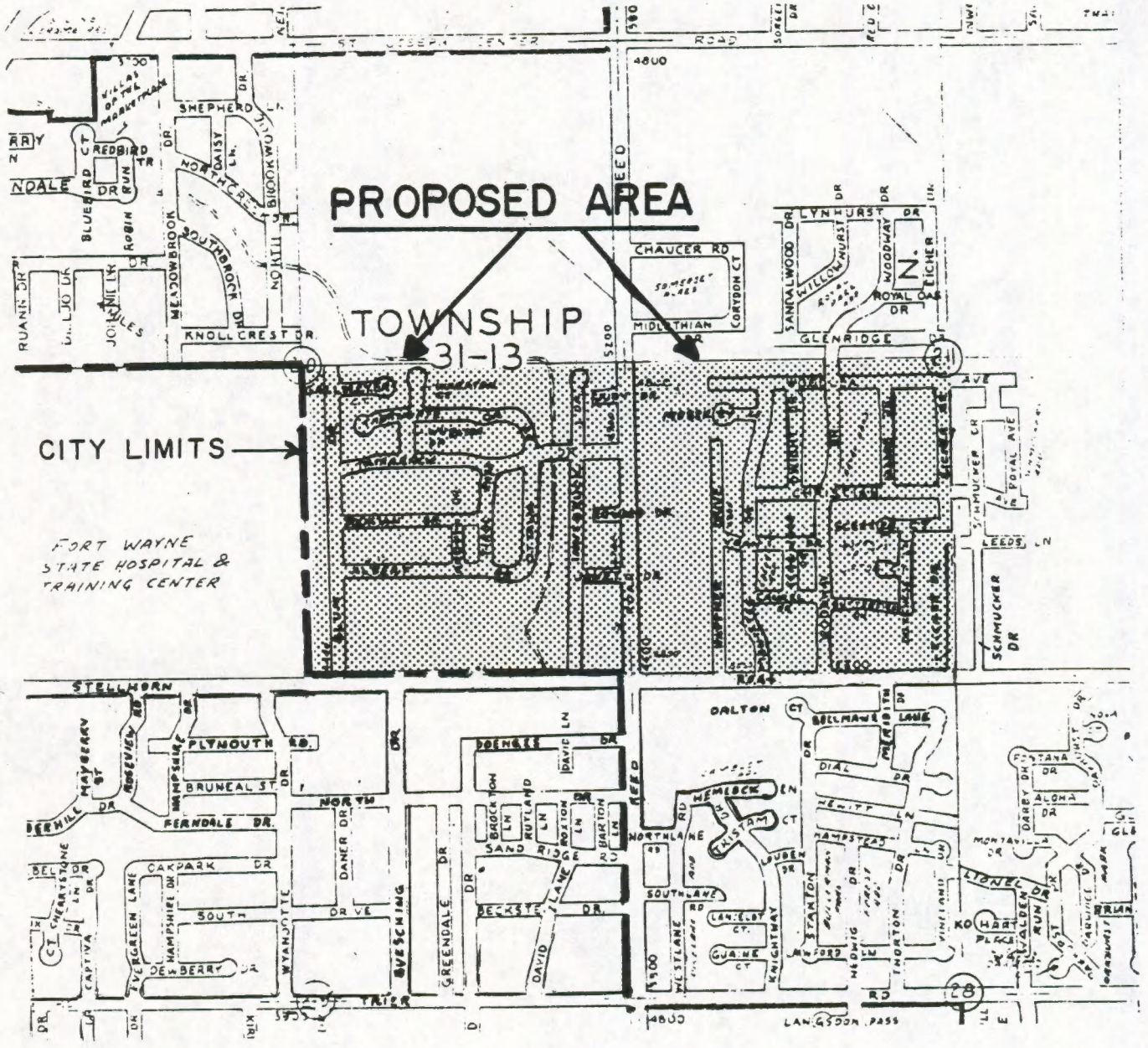
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of November, 1988, at the hour of 10:00 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 23d day of November, 1988, at the hour of 11:45 o'clock A.M.,E.S.T.

PAUL HELMKE, MAYOR

TAMARACK ANNEXATION



Copy of Judgment of Annexation upon Remonstrance - Dated April 20, 1989 attached to Ordinance - 4-20-89.

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Tamarack Annexation X-88-09-26

DEPARTMENT OF REQUESTING ORDINANCE Community Development and Planning

SYNOPSIS OF ORDINANCE Ordinance annexes said territory to the City of Fort Wayne. The annexation area contains approximately 315 acres. The annexation area meets the test for annexation under State Law in that the area is at least (12.5%) contiguous to the City, is more than sixty (60%) percent subdivided and has a population density of more than three (3) persons per acre. The area also meets The second test for annexation under State Law in that the area is at least 25% contiguous to the City and is needed and usable by The municipality for its development in the reasonably near future.

EFFECT OF PASSAGE Described territory will become part of the City.

EFFECT OF NON-PASSAGE The area will not become part of the City.

MONEY INVOLVED (Direct Cost, Expenditures, Savings) To be explained by the Fiscal Plan which will be prepared by the Division of Community Development and Planning.

ASSIGNED TO COMMITTEE (J.N.) _____

X-05-88

BILL NO. X-88-09-26

REPORT OF THE COMMITTEE ON ~~ANNEXATION~~ Committee of the Whole

WE, YOUR COMMITTEE ON ~~ANNEXATION~~ Committee of the Whole TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ annexing certain territory commonly known as the Tamarack Annexation Area to Fort Wayne and including the same in Councilmanic District No. 2

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~

YES		NO
Paul Burns		Janet Bradbury
Thomas Henry	CHARLES B. REDD	
Charles Redd	CHAIRMAN JANET G. BRADBURY	Geo Quinter obtained
David Long	VICE CHAIRPERSON DAVID C. LONG	Absent obtained
Donald Schmidt	DONALD J. SCHMIDT	
Samuel Talarico	SAMUEL J. TALARICO	

CONCURRED IN 11-22-88

Sandra E. Kennedy

Sandra E. Kennedy
City Clerk

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19_____, at _____ o'clock _____ .M.,E.S.T.

DATED: _____

_____
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	6	1	2	
BRADBURY		✓		
BURNS	✓			
GiaQUINTA			✓	
HENRY	✓			
LONG	✓			
REDD	✓			
SCHMIDT	✓			
STIER			✓	
TALARICO	✓			

DATED: _____

_____
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____ on the _____ day of _____, 19_____,

ATTEST SEAL

_____ _____
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19___, at the hour of _____ o'clock _____ .M.,E.S.T.

_____
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19_____, at the hour of _____ o'clock _____ .M.,E.S.T.

_____
PAUL HELMKE, MAYOR

LEGAL NOTICE

tice is hereby given that on the 22nd day of ember, 1988, the Common Council of the City of Wayne, Indiana, in a Regular Session did pass the wing Bill NO. X-88-09-26 Annexation Ordinance X-05-88 to-wit:

ill No. X-88-09-26

NNEXATION ORDINANCE NO. X-05-88

N ORDINANCE annexing certain territory com- ly known as the Tamarack Annexation Area to Wayne and including the same in Councilmanic rict No. 2.

E IT ORDAINED BY THE COMMON COUNCIL OF CITY OF FORT WAYNE, INDIANA:

ECTION 1. That the following described territory nd the same is hereby annexed to, and made a part he corporation of the City of Fort Wayne, Indiana, it:

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eginning at a point, said point being the rsection of the west line of the Southeast Quarter of tion 20, Township 31, North, Range 13 East, and north right-of-way line of Stellhorn Road mmonly known as S.R. #37); thence in a Northerly ction along said west line, also being the corporate s as established by Annexation Ordinance X-21 filed in the office of the City Clerk), to the rsection with the north line of said Southeast rter of Sectior 20; thence in an Easterly direction g the said north line to the Northeast corner of the theast Quarter of Section 20; thence South to the thwest corner of the Southwest Quarter of Section thence Easterly along said Northline of the thwest Quarter of Section 21 to the intersection the east line of said Southwest Quarter of Section thence in a Southerly direction along said east line he intersection with the north right-of-way line of llhorn Road (commonly known as S.R. #37); nce in a Westerly direction along north right-of-way of Stellhorn Road to its intersection with the west t-of-way line of Reed Road; thence continuing sterly along said north line, also being the porate Limits as described in Annexation linance X-03-84 (as filed in the office of the City rk); thence in a Westerly direction along the north t-of-way line of Stellhorn Road (S.R. #37), this g on the existing Corporate Limits, to the point of inning, containing 315 acres more or less.

he boundaries of said territory are those outlined in location map designated "Tamarack Annexa- ", two copies of which are on file in the office of the rk of the City of Fort Wayne and available for public pection as provided by law.

ECTION 2. That the City of Fort Wayne will furnish above described territory within a period of one year from the effective date of annexation, nned services of a non-capital nature, including ice protection, fire protection, and street and road intenance, in a manner which is equivalent in ndard and scope to those non-capital services vided to areas within the City of Fort Wayne which ve similar topography, patterns of land utilization d population density to the said described territory. e City of Fort Wane will also provide services of a pital improvement nature, including street construc- n, street lighting, sewer facilities, water facilities and rmwater drainage facilities to the annexed territory hin three (3) years of the effective date of nexation, in the same manner as such services are vided to areas already in the City of Fort Wayne with ilar topography, patterns of land utilization and pulation density, and in a maner consistent with eral, state and local laws, procedures and planning teria.

SECTION 3. That governmental and proprietary vices will be provided to the above described ritory in a manner consistent with the written Fiscal an for the territory developed by the Division of mmunity Developement and Planning. Said Plan is examined by the Common Council of the City of rt Wayne and is approved and adopted by the mmon Council by and upon the passage of this dinance.

SECTION 4. That said described territory shall be a rt of Councilmanic Political Ward No. 2 of the City of rt Wayne, Indiana, as described in Division I, Section 9 of Chapter 2 of the Municipal Code of the City of rt Wayne, Indiana of 1974, as amended.

SECTION 5. That after its passage, any and all cessary approval by the Mayor, due legal blication, and the required sixty (60) day monstrance period, this Ordinance shall be in full ce and effect, the above described territory shall come part of the City of Fort Wayne on December , 1989, provided a remonstrance is not filed. In the ent a remonstrance is filed, the effective date of nexation shall be thirty days after the termination of e appeal period after the judicial disposition of the monstrance.

SECTION 6. In the event that no remonstrance if ed, property owners shall be entitled to an abatement a portion of their property tax liability under I.C. 1.1 for municipal purposes, as provided by I.C. 6-4-3-8.5. Said tax abatement program shall be in fect for the two taxable years after December 31, 99. Sixty-six percent (66%) of the taxpayer's bility for municipal purposes shall be abated in the st year of the abatement program. Thirty-three ercent (33%) of the taxpayer's liability for municipal urposes shall be abated in the second year of the batement program. On or before February 1 of each axable year during the abatement program, the ivision of Community Development and Planning, or s designated representative or successor, shall dentify and certify to the Auditor of Allen County those roperties eligible for abatement under this ordi- ance.

Charles B. Redd
COUNCILMEMBER

Read the third time in full and on motion by Redd, econded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Six
Burns, Henry, Long, Redd, Schmidt, Talarico
Nays: Three
Bradbury, GiaQuinta, Stier
DATE: 11-22-88

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-05-88 on the 22nd day of November, 1988.

ATTEST:
Sandra E. Kennedy
City Clerk

Thomas C. Henry
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of November, 1988, at the hour of 10:00 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 23rd day of November, 1988, at the hour of 11:45 o'clock A.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-05-88, passed by the Common Council on the 22nd day of November, 1988, and that said Ordinance was duly signed and approved by the Mayor on the 23rd day of November, 1988, and now remains on file and on record in my office.

WITNESS, my hand, and the official seal of the City of Fort Wayne, Indiana, this 23rd day of November, 1988.

SANDRA E. KENNEDY, CITY CLERK

12--1-8

Board of Accounts

on Council

l Unit)

County, Indiana

General Form No. 99P (Revised 1987)

To: The Journal-Gazette Dr.
P.O. Box 100
Fort Wayne, IN

PUBLISHER'S CLAIM

not exceed two actual lines, neither of which shall total
es of type in which the body of the advertisement is set)
lines

1	
159	
2	
n notice 162	

ARGES

columns wide equals 162 equivalent lines
ne $ 80.19

otices containing rule or tabular work
ount)

of publication ($1.00 for each proof in excess of two) 2.00

CLAIM $ 82.19

COST

12.5 ems

nt

ns and penalties of Chapter 155, Acts 1953,

foregoing account is just and correct, that the amount after allowing all just credits, and that no part of the

Trudy Sterling

, 19 88 Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Trudy Sterling who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times , the dates of publication being as follows:

12/1,8/88

Trudy Sterling

Subscribed and sworn to before me this 8th day of Dec., 19 88.

Shelley R LaRue
Notary Public

Shelley R. LaRue

My commission expires: March 3, 1990

Form Prescribed by State Board of Accounts — General Form No. 99P (Revised 1987)

Ft. Wayne Common Council
(Governmental Unit)

Allen County, Indiana

To: The News-Sentinel
P.O. Box 100
Fort Wayne, IN

Dr.

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) -- number of equivalent lines	
Head -- number of lines	1
Body -- number of lines	159
Tail -- number of lines	2
Total number of lines in notice	162

COMPUTATION OF CHARGES

162 lines, 1 columns wide equals 162 equivalent lines at .495 cents per line	$ 80.19
Additional charge for notices containing rule or tabular work (50 percent of above amount)	
Charge for extra proofs of publication ($1.00 for each proof in excess of two)	2.00
TOTAL AMOUNT OF CL	$ 82.19

DATA FOR COMPUTING CO

Width of single column 12.
Number of insertions 2
Size of type 6 point

Pursuant to the provisions a 1953,

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at no part of the

Trudy Sterling
Clerk

FFIDAVIT

notary public in and for said county and state, the
ing who, being duly sworn, says that he/
The News-Sentinel a newspaper of general
d in the English language in the (city) (town) of
nd county aforesaid, and that the printed matter
y, which was duly published in said paper for
dates of publication being as follows:

12/1,8/88

Trudy Sterling

e this 8th day of Dec., 1988.

Shelley R LaRue
y R. LaRue Notary Public

3, 1990

LEGAL NOTICE

Notice is hereby given that on the 22nd day of November, 1988, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill NO. X-88-09-26 Annexation Ordinance No. X-05-88 to-wit:

Bill No. X-88-09-26

ANNEXATION ORDINANCE NO. X-05-88

AN ORDINANCE annexing certain territory commonly known as the Tamarack Annexation Area to Fort Wayne and including the same in Councilmanic District No. 2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be and the same is hereby annexed to, and made a part of, the corporation of the City of Fort Wayne, Indiana, to-wit:

Part of the Southeast Quarter of Section 20 and part of the Southwest Quarter of Section 21 in Township 31, North, Range 13 East, Allen County, Indiana, more particularly described as follows:

Beginning at a point, said point being the intersection of the west line of the Southeast Quarter of Section 20, Township 31, North, Range 13 East, and the north right-of-way line of Stellhorn Road (commonly known as S.R. #37); thence in a Northerly direction along said west line, also being the corporate limits as established by Annexation Ordinance X-21 (as filed in the office of the City Clerk), to the intersection with the north line of said Southeast Quarter of Section 20; thence in an Easterly direction along the said north line to the Northeast corner of the Southeast Quarter of Section 20; thence South to the Northwest corner of the Southwest Quarter of Section 21; thence Easterly along said Northline of the Southwest Quarter of Section 21 to the intersection with the east line of said Southwest Quarter of Section 21; thence in a Southerly direction along said east line to the intersection with the north right-of-way line of Stellhorn Road (commonly known as S.R. #37); thence in a Westerly direction along north right-of-way line of Stellhorn Road to its intersection with the west right-of-way line of Reed Road; thence continuing Westerly along said north line, also being the Corporate Limits as described in Annexation Ordinance X-03-84 (as filed in the office of the City Clerk); thence in a Westerly direction along the north right-of-way line of Stellhorn Road (S.R. #37), this being on the existing Corporate Limits, to the point of beginning, containing 315 acres more or less.

The boundaries of said territory are those outlined in the location map designated "Tamarack Annexation", two copies of which are on file in the office of the Clerk of the City of Fort Wayne and available for public inspection as provided by law.

SECTION 2. That the City of Fort Wayne will furnish the above described territory within a period of one (1) year from the effective date of annexation, planned services of a non-capital nature, including police protection, fire protection, and street and road maintenance, in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City of Fort Wayne which have similar topography, patterns of land utilization and population density to the said described territory. *The City of Fort Wane will also provide services of a* capital improvement nature, including street construction, street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three (3) years of the effective date of annexation, in the same manner as such services are provided to areas already in the City of Fort Wayne with similar topography, patterns of land utilization and population density, and in a maner consistent with federal, state and local laws, procedures and planning criteria.

SECTION 3. That governmental and proprietary services will be provided to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Division of Community Developement and Planning. Said Plan was examined by the Common Council of the City of Fort Wayne and is approved and adopted by the Common Council by and upon the passage of this Ordinance.

SECTION 4. That said described territory shall be a part of Councilmanic Political Ward No. 2 of the City of Fort Wayne, Indiana, as described in Division I, Section 2-9 of Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended.

SECTION 5. That after its passage, any and all necessary approval by the Mayor, due legal publication, and the required sixty (60) day remonstrance period, this Ordinance shall be in full force and effect, the above described territory shall become part of the City of Fort Wayne on December 31, 1989, provided a remonstrance is not filed. In the event a remonstrance is filed, the effective date of annexation shall be thirty days after the termination of the appeal period after the judicial disposition of the remonstrance.

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Charles B. Redd
COUNCILMEMBER

Read the third time in full and on motion by Redd, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Six
Burns, Henry, Long, Redd, Schmidt, Talarico
Nays: Three
Bradbury, GiaQuinta, Stier
DATE: 11-22-88

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-05-88 on the 22nd day of November, 1988.

ATTEST:
Sandra E. Kennedy
City Clerk

Thomas C. Henry
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of November, 1988, at the hour of 10:00 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 23rd day of November, 1988, at the hour of 11:45 o'clock A.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-05-88, passed by the Common Council on the 22nd day of November, 1988, and that said Ordinance was duly signed and approved by the Mayor on the 23rd day of November, 1988, and now remains on file and on record in my office.

WITNESS, my hand, and the official seal of the City of Fort Wayne, Indiana, this 23rd day of November, 1988.

SANDRA E. KENNEDY, CITY CLERK

12-1-8

Form Prescribed by State Board of Accounts

General Form No. 99P (Revised 1987)

Ft. Wayne Common Council
(Governmental Unit)

Allen County, Indiana

To: The Journal-Gazette Dr.
P.O. Box 100
Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) -- number of equivalent lines	
Head -- number of lines	1
Body -- number of lines	159
Tail -- number of lines	2
Total number of lines in notice	162

COMPUTATION OF CHARGES

162 lines, 1 columns wide equals 162 equivalent lines at .495 cents per line	$ 80.19
Additional charge for notices containing rule or tabular work (50 percent of above amount)	
Charge for extra proofs of publication ($1.00 for each proof in excess of two)	2.00
TOTAL AMOUNT OF CLAIM	$ 82.19

DATA FOR COMPUTING COST

Width of single column 12.5 ems
Number of insertions 2
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Trudy Sterling

Date: Dec. 8, 19 88 Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Trudy Sterling who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

12/1,8/88

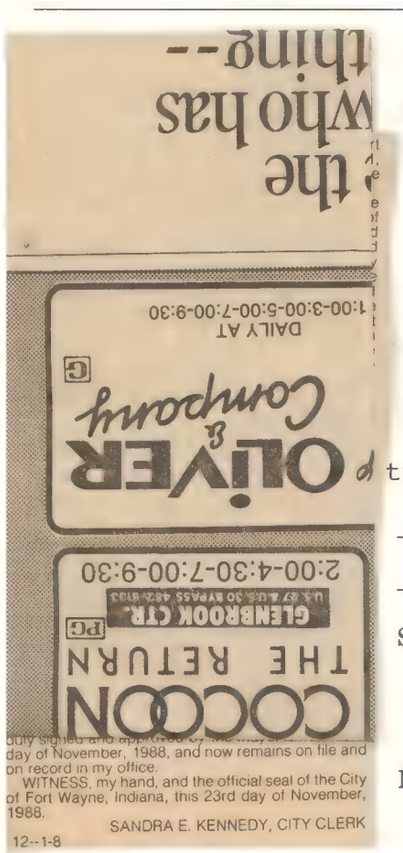
Trudy Sterling

Subscribed and sworn to before me this 8th day of Dec., 19 88.

Shelley R LaRue
Notary Public

Shelley R. LaRue

My commission expires: March 3, 1990



duly signed and approved by the mayor on the 23rd day of November, 1988, and now remains on file and on record in my office.
WITNESS, my hand, and the official seal of the City of Fort Wayne, Indiana, this 23rd day of November, 1988.
SANDRA E. KENNEDY, CITY CLERK

12--1-8

Form Prescribed by State Board of Accounts — General Form No. 99P (Revised 1987)

Ft. Wayne Common Council
(Governmental Unit)

Allen County, Indiana

To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, IN

PUBLISHER'S CLAIM

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Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) -- number of equivalent lines	
Head -- number of lines	1
Body -- number of lines	159
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Total number of lines in notice	162

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162 lines, 1 columns wide equals 162 equivalent lines at .495 cents per line	$ 80.19
Additional charge for notices containing rule or tabular work (50 percent of above amount)	
Charge for extra proofs of publication ($1.00 for each proof in excess of two)	2.00
TOTAL AMOUNT OF CLAIM	$ 82.19

DATA FOR COMPUTING COST

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Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Trudy Sterling
Clerk

Date: Dec. 8, 1988 Title:

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Trudy Sterling who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two time s, the dates of publication being as follows:

12/1,8/88

Trudy Sterling

Subscribed and sworn to before me this 8th day of Dec., 1988.

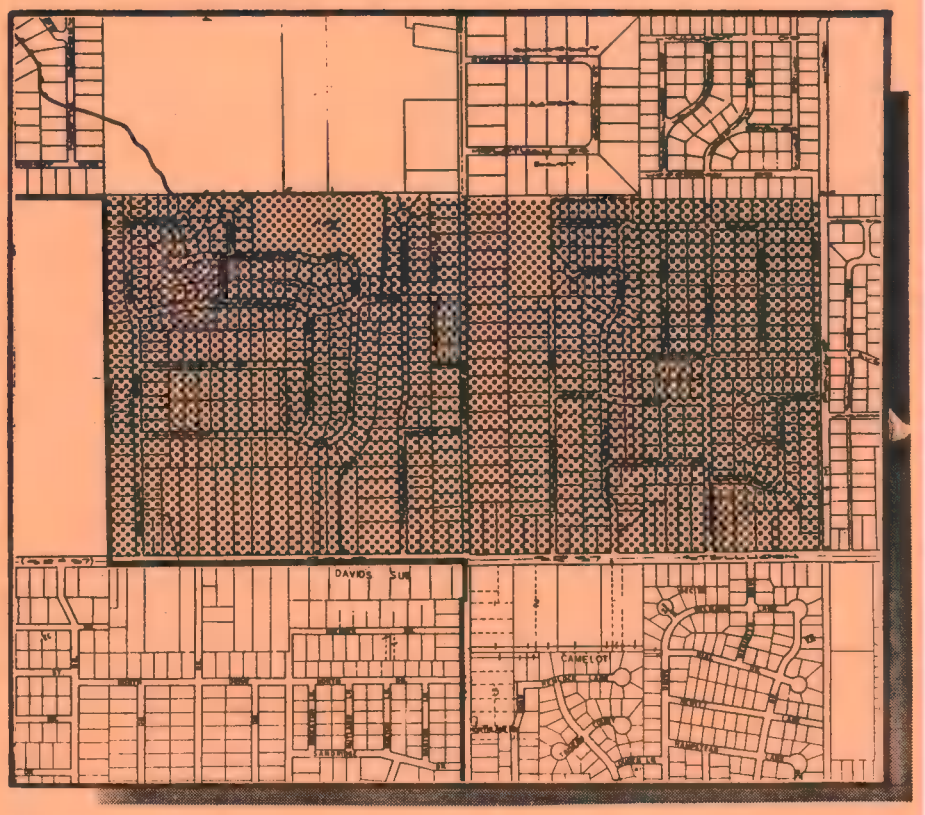
Shelley R LaRue
Shelley R. LaRue Notary Public

My commission expires: March 3, 1990

ANNEXATION FISCAL PLAN

CITY OF FORT WAYNE
PAUL HELMKE, MAYOR

September 1988



Tamarack

ADMINISTRATION AND POLICY DIRECTION

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PREFACE

Since its inception, the City of Fort Wayne has been annexing land adjacent to its corporate limits. The Tamarack Annexation is a logical continuance of this policy.

This fiscal plan, which is required by State Annexation Law, explains why the Tamarack Annexation Area meets the state law requirements for annexation. This plan also gives basic data regarding the area, describes the services which will be provided to the area upon annexation by the City, and summarizes the fiscal impact of annexation upon the City.

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INTRODUCTION

The Tamarack Area has a long history of annexation activity. This area has been an annexation target since 1968. Below is a chronology which briefly describes what has occurred over the past twenty years.

May 14, 1968:	Annexation Ordinance is introduced to City Council and referred to Plan Commission, Bill No. X-68-05-15.
May 27, 1968:	Plan Commission recommends Tamarack Area Annexation, effective January 1, 1969.
July 23, 1968:	City Council adopts Tamarack Area Annexation, Ordinance No. X-08-68.
September 4, 1968:	Remonstrance is filed with over 500 signatures, and annexation is stalled in court.
July 28, 1970:	City Council adopts resolution, setting forth City policy regarding newly-annexed areas.
1977:	Annexation Issue resurfaces, annexation report is written, litigation is pending. Remonstrators file Interrogatories and Depositions.
1979:	Annexation Issue continues, service reports are distributed, Bill No. X-79-12-20 is written to repeal X-08-68.
1980:	Annexation Issue continues, neighborhood contacts are made.
1984:	Bill X-79-12-20 is withdrawn, and X-08-68 stands as is.
1988:	Ordinance X-02-88 repeals Ordinance X-08-68.

SECTION ONE - BASIC DATA

A. LOCATION

The area proposed for annexation is located northeast of the City of Fort Wayne and is bounded by the City limits on the west, by the centerline of Sections 20 and 21 on the north, by the east quarter section line of Section 21 on the east, and by the north right-of-way line of Stellhorn Road (S.R. 37), part of which is also the existing City limits, on the south (See Figure 1).

B. SIZE

The Tamarack Annexation Area contains approximately 315 acres or .49 square miles.

C. POPULATION

Block statistics from the Census of Population and Housing, showed 1,240 persons resided in the Tamarack Annexation area in 1980. This population figure includes only entire block groups within the annexation area. Whenever a block group was split, it was not included in the above total. It should be noted, however, that using person per unit statistics from the 1980 Census of Population and Housing and multiplying these figures by the current number of households in the annexation area, the population is estimated to be at 2,120 persons.

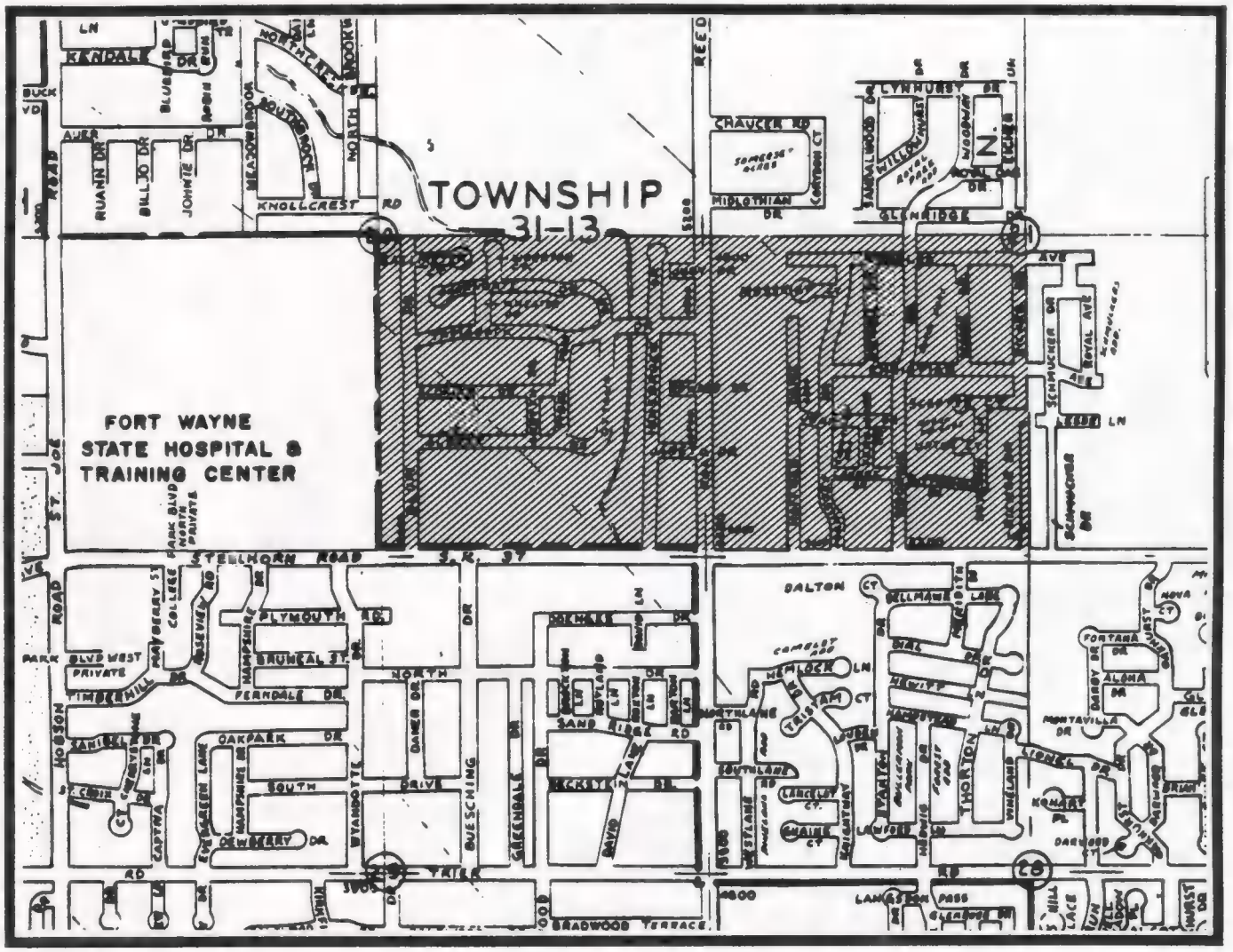
D. BUILDINGS

Residential	630	(629 single-family, 1 duplex)
Public	2	
Commercial	1	
TOTAL	633	

E. LAND USE (Approximations)

	Acres	Percent
Residential	248.12	78.67%
Right-of-Way	47.81	15.16%
Public	13.35	4.23%
Undeveloped	4.83	1.53%
Commercial	1.30	.41%
TOTAL	315.41	100.00%

FIGURE 1



LOCATION

F. ZONING

The Tamarack Annexation Area currently contains only one zoning classification. Upon annexation, this area will be under the jurisdiction of the City Plan Commission and the zoning classification will be as shown (See Figure 2).

County Zoning Classification	City Zoning Classification
RS-1 Suburban Residential	R-1 Single Family Residence District

G. ASSESSMENT

Real Property	$6,422,930
Personal Property	125,880
TOTAL	$6,548,810

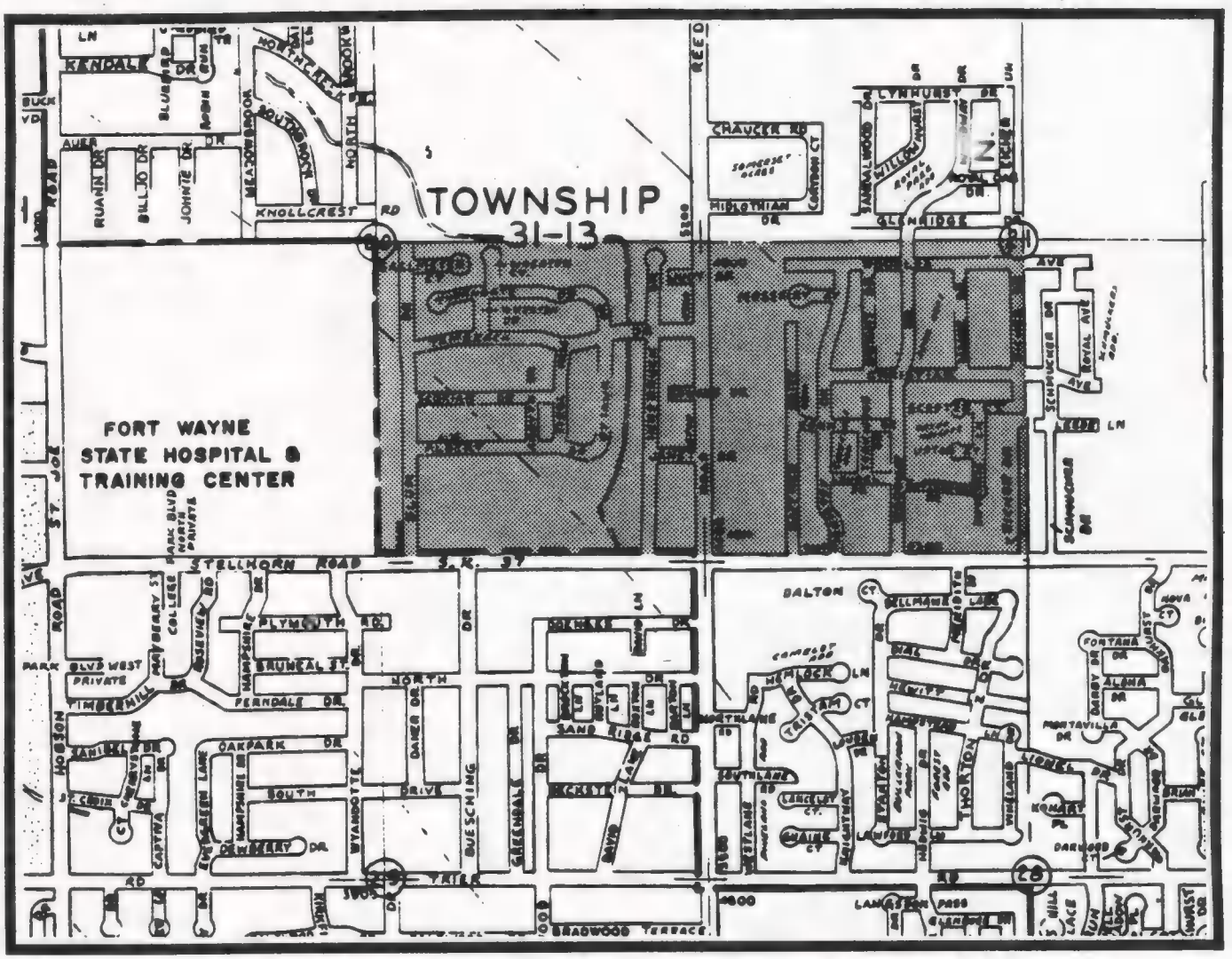
H. TAX RATE: (1987 Payable 1988 Rates)

Existing:	$6.3032
After Annexation:	$10.0656
Increase:	$3.7624

I. COUNCIL DISTRICT

The Tamarack Annexation Area will be in City Councilmanic District 2.

FIGURE 2



ZONING

RS-1 SUBURBAN RESIDENTIAL TO

R1 SINGLE FAMILY RESIDENCE DISTRICT

SECTION TWO - THE COMPREHENSIVE ANNEXATION PROGRAM

A. ANNEXATION GOALS

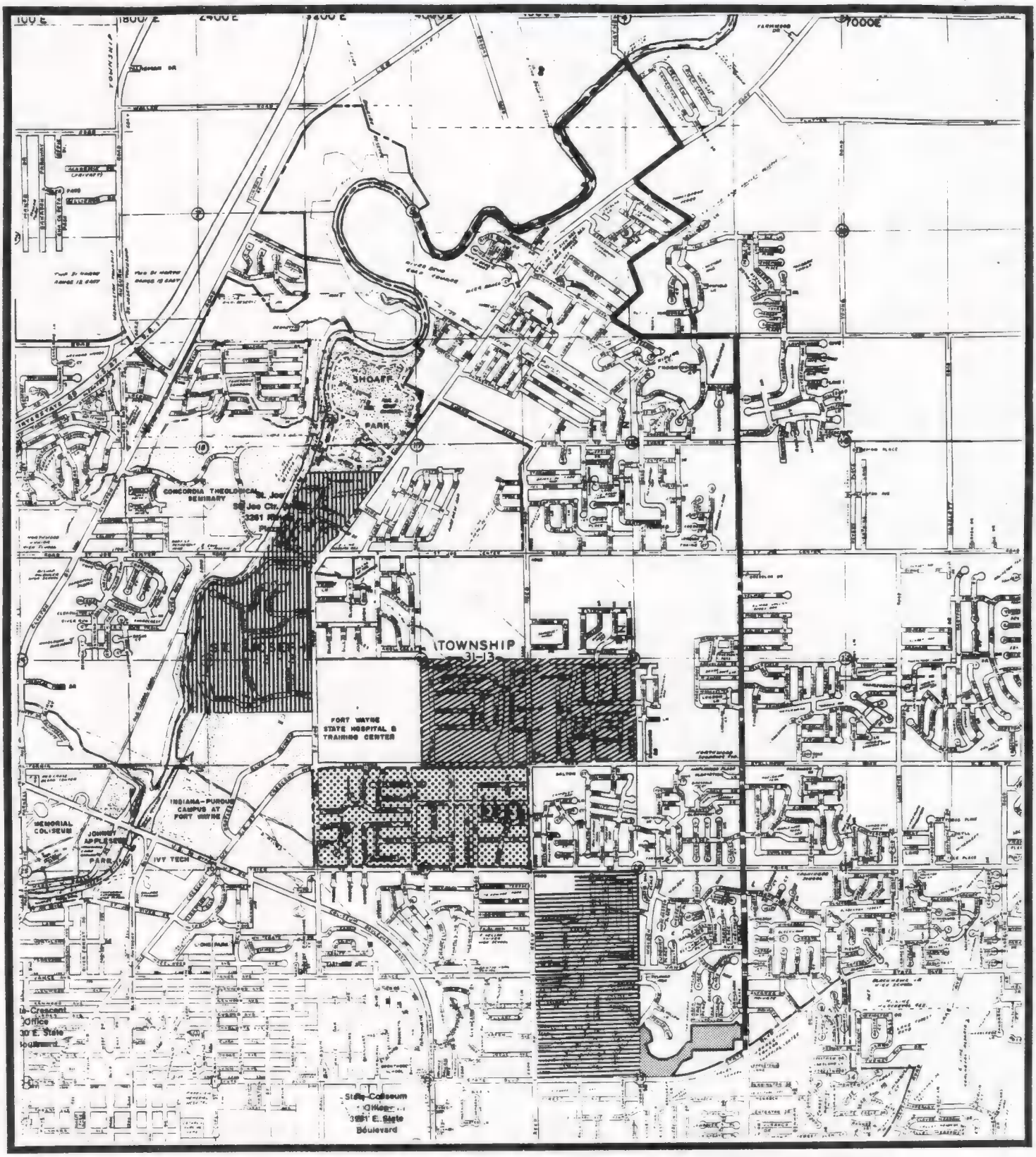
The annexation of the Tamarack Area is part of a larger comprehensive annexation program developed by the Department of Community Development and Planning and adopted by the Plan Commission and City Council in 1975 and 1976 respectively. The resulting Annexation Policy and Program Study is currently used as a policy guide for the City's annexation program. This policy guide states two of the City's annexation goals:

1. "All urban land contiguous to the City Limits should become part of the City"; and

2. "All non-urban land required to complement the annexation of urban land and provide the ability to control and manage urban growth should become part of the City".

Because the Tamarack Annexation Area met this criteria in 1975-76, the report identified it as part of a larger area, St. Joe-2, which was recommended for annexation (See Figure 3).

FIGURE 3



ANNEXATIONS IN ST. JOE-2

- PROPOSED TAMARACK
- NEW GLENWOOD PARK
- ST. JOE GARDENS
- RANCHWOOD
- HWI

SECTION THREE - STATE LAW REQUIREMENTS

A. INTRODUCTION

When pursuing an annexation, the municipality must be sure that the proposed annexation is in accordance with the State law. The existing statute (IC 36-4-3) provides cities with two options for annexing areas. An annexing city must meet the guidelines of at least one of the options. The two options are:

1. The area must be at least one-eighth contiguous (12.5%) to the municipality and it must meet at least one of the following three conditions: (a) have a population density of at least three persons per acre; (b) be zoned for commercial, business, or industrial uses; (c) be at least sixty percent subdivided.

2. The area must be at least one-fourth contiguous (25%) to the municipality and it must be needed and can be used by the municipality for its development in the reasonably near future.

In both instances, the municipality must also prepare a written fiscal plan. The fiscal plan must provide cost estimates of the services to be furnished to the annexed territory, together with the methods for financing such services.

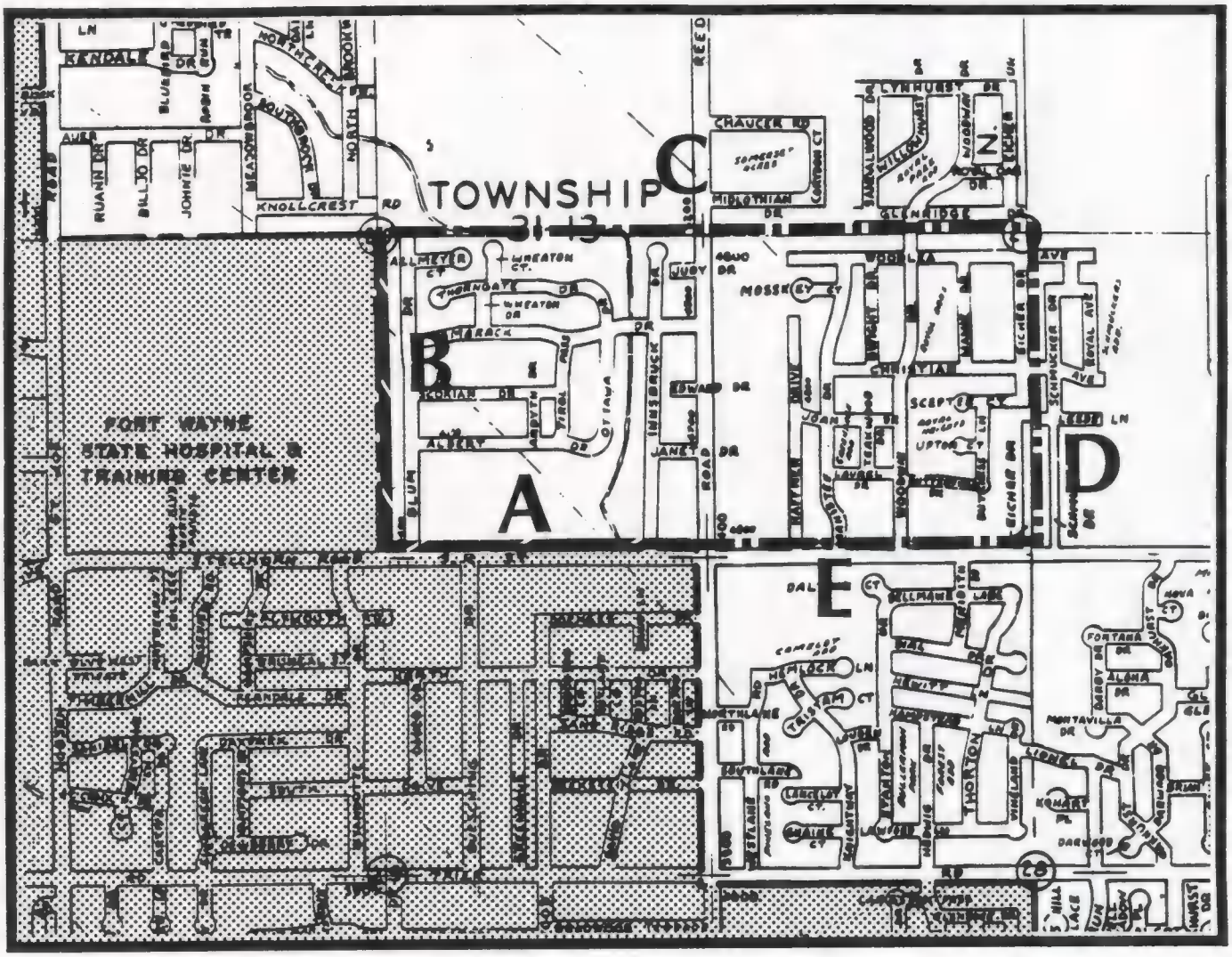
The Tamarack Annexation Area meets not just one, but both of the options which have been established to determine the validity of annexations. The remainder of the section will be devoted to explaining how the Tamarack Area Annexation meets these two annexation requirements.

B. ONE-EIGHTH CONTIGUOUS

Figure 4 illustrates the length of the external boundaries of the annexation area. As can be seen, 33.20% of the annexation area's boundaries are contiguous to the City of Fort Wayne. Consequently, this annexation easily meets the 12.5% contiguity requirements mandated by State statute.

As mentioned in the introduction, if the annexation is at least one-eighth contiguous (12.5%) to the municipality, it can be annexed if any one of the three conditions are met. The Tamarack Area Annexation meets the first condition in that it has over three persons per acre. The Tamarack Area Annexation also meets the third condition since it is approximately 67% subdivided.

FIGURE 4



CONTIGUITY

CONTIGUOUS		NON-CONTIGUOUS	
A	2625′	C	5335′
B	2660′	D	2640′
		E	2660′
	5285′ (33.20%)		10635′ (66.80%)

C. ONE-FOURTH CONTIGUOUS

The second annexation test stipulates that an annexation is valid if the area is at least twenty-five percent contiguous and if it is needed and can be used by the municipality in the reasonably near future (IC-36-4-3-13). As stated, the annexation is 33.20% contiguous to Fort Wayne. Hence, it meets the contiguity requirements mandated by the second test.

Having met the contiguity requirement, the area must be needed and can be used by the municipality for its development in the reasonably near future. As will be explained, the Tamarack Annexation Area meets this requirement and is needed and can be used for the following reasons:

1. Equalizing the Tax Burden;
2. Economies of Scale; and
3. Planning Control;

1. Equalizing the Tax Burden

Possibly the most serious problem confronting Fort Wayne is providing efficient urban services and maintaining them at acceptable levels, while declining revenue and population declines occur. Inflationary pressures push service provision costs up while suburban migration erodes the City's tax base. Thus, a smaller number of City residents must bear the cost of maintaining services. Everyone within the metropolitan area benefits from a flourishing central City and its vital facilities and services, unfortunately an unfair burden of subsidization falls on only a portion of those using the facilities and services.

The magnitude of this problem can be understood by examining socio-economic trends in the Fort Wayne and Allen County area. While Fort Wayne's share of the overall Allen County population has been declining, the inverse, of course, has happened to the County's suburban population (See Table 1). From 1960 to 1980, the Fort Wayne proportion of the total County population has decreased from 70 percent to 59 percent (if the population annexed during the last two decades is discounted, then Fort Wayne's proportion drops to under 50 percent).

By combining these population shifts with the resultant lost income, it becomes exceedingly difficult for the City to provide adequate services. A disproportionate share of the metropolitan area's social problems also occur within the City's corporate limits, which helps compound the already heavy financial burden. (Table 1 details this fact). For example, the City, with 59 percent of the County's population in 1980, had 83 percent of all families in Allen County that received public assistance income. Additionally, 79 percent of all Allen County families that had

TABLE 1

FORT WAYNE/ALLEN COUNTY SOCIOECONOMIC CHARACTERISTICS

	FORT WAYNE		ALLEN COUNTY (excluding F.W.)		TOTAL ALLEN COUNTY
			POPULATION		
1960	161,776	70.0%	70,420	30.0%	232,196
1970	177,671	63.4%	102,784	36.6%	280,455
1980	172,196	58.5%	122,139	41.5%	294,335
			ELDERLY POPULATION (65+)		
1960	15,245	78.3%	4,230	21.7%	19,475
1970	18,240	76.4%	5,634	23.6%	23,874
1980	20,479	72.9%	7,595	27.1%	28,074
			MEDIAN FAMILY INCOME		
1960	$ 6,492		$ 6,732		
1970	$10,401		$12,627		
1980	$19,580		$25,777		
			FAMILIES RECEIVING PUBLIC ASSISTANCE INCOME		
1970	1,364	81.7%	306	18.3%	1,670
1980	4,120	82.7%	861	17.3%	4,981
			FAMILIES WITH FEMALE HEAD OF HOUSEHOLD		
1970	5,201	81.8%	1,154	18.2%	6,355
1980	11,802	81.6%	2,655	18.4%	14,457
			POPULATION RECEIVING SOCIAL SECURITY INCOME		
1970	18,872	76.3%	5,866	23.7%	24,738
1980	17,240	73.5%	6,206	26.5%	23,446
			FAMILIES WITH INCOMES LESS THAN POVERTY LEVEL		
1970	2,750	76.8%	833	23.2%	3,583
1980	3,756	78.7%	1,019	21.3%	4,775

Source: General Social and Economic Characteristics, Indiana (1970), U.S. Bureau of the Census.

Census of Population and Housing, Indiana, (1980), U.S. Bureau of the Census.

incomes below the poverty level resided within the City in 1980. Finally, Fort Wayne also had 82 percent of all families that had a female head of household and 74 percent of the Allen County population that received Social Security income in 1980.

The impacts of these demographic changes in Fort Wayne-Allen County have been inequitable. There are three indisputable reasons why City residents must pay higher taxes than County residents. The three reasons are a shifting population base, an excess of economically disadvantaged people living within the City Limits and an unfair burden of subsidization upon City residents.

In contrast, City residents are less able to pay higher taxes, since they have a substantially lower median family income than their neighbors in the County. Table 1 shows the socio-economic characteristics of all Allen County residents whether they are within or outside the City Limits.

The exact extent of subsidization occurring is difficult to document it is apparent, however, that each day large numbers of suburban residents utilize significant quantities of police, fire, park and street services of the City while not paying their fair/share. For example, a random examination of accident reports prepared by the City of Fort Wayne Police Department for the ten-day period of August 19-28, 1988, shows that they responded to 311 accidents in the City. Of the 311 reports in which the address of the person (or persons) involved could be determined, it was discovered that 171 police runs were made to assist non-City residents. Thus, 55 percent of the accident runs made by the City of Fort Wayne Police Department during this ten-day period were made to assist residents who do not subsidize the Police Department. It should be noted here that the Police Department's budget is comprised mainly of funds received from the City's General Fund. Presently, City residents pay $2.5106 per every $100 of assessed property valuation, whereas County residents pay nothing into this fund. This subsidization of County residents by their less affluent City neighbors is not confined to the City of Fort Wayne's Police Department. For example, the Fort Wayne Parks and Recreation Department, with its numerous facilities and special activities, such as basketball courts, baseball/softball diamonds, tennis courts, playground facilities, concerts and rose walks attracts people from all over Allen County. Even though only City residents pay into the Park General tax of $.4230 cents per every $100.00 of assessed valuation, everyone in the County enjoys the City's award-winning park system.

The fact that suburban residents of Fort Wayne consume such a large amount of City services may surprise some people, especially those County residents who claim they never use City services. However, the City of Fort Wayne is the social,

recreational, governmental, economic, educational, and cultural center for the entire metropolitan region and, thus, provides numerous vital and necessary services to non-City residents. In conclusion, one of the reasons that Fort Wayne needs the Tamarack Annexation Area is to help equalize the tax burden, which also enables the City to continue to provide adequate services to its residents.

2. Economies Of Scale

The Tamarack Annexation Area is also needed to help the City provide services more efficiently. This annexation will improve service delivery by allowing the City to take advantage of economies of scale. If, for example, the City of Fort Wayne invests in a fire station, a truck, and the staff necessary to respond to a fire 24 hours a day, it is most efficient to utilize these resources to their fullest capacity. Therefore, if such a hypothetical station has a response range of two miles in all directions and the station's jurisdiction is only one and a half miles, the station is being underutilized. This inefficiency increases the cost of fire protection for the entire area. Realistically, this is the case in the Tamarack Annexation Area. Both the City of Fort Wayne Fire and Police Departments have stated that they can provide services to the Tamarack Area with no increase in staff and with minimal or no increases in expenditures. Upon annexation of this area, all service departments would be able to utilize their resources more completely. This, in turn, would reduce the cost of services for all of the Fort Wayne residents who are presently paying for this excess capacity.

3. Planning Control

The Tamarack Annexation Area is also needed by the City of Fort Wayne so that it will have planning and zoning control over the urban area. This is important because the City, being a heavily developed urban area, has planning and zoning standards that are more attuned to urban areas which adjoin the City. On the other hand, the County, with its large parcels of agricultural land, has standards that are much more in tune with a rural lifestyle. It makes sense to have distinct standards for urban and rural uses. What does not make sense is to allow areas which are within the sphere of influence of Fort Wayne, and which are urban in nature, to be subject to standards which may not be suitable for urban development.

D. CONCLUSION

The Tamarack Annexation Area should be annexed into the City of Fort Wayne because it meets the annexation tests that have been established by the State Legislature. The annexation area is 33.20% contiguous to the City, is approximately 67% subdivided and contains more than three persons per acre.

SECTION FOUR - MUNICIPAL SERVICES

INTRODUCTION

This portion of the Fiscal Plan projects costs and methods of financing municipal services for the Tamarack Annexation Area. Also described are how and when the City plans to extend non-capital services and capital improvements.

The municipal services described in this section are analyzed based upon the needs of the Tamarack Annexation Area, the costs of providing services, and funding sources. State Law requires that an annexation area must be treated equally with other similar City areas, and will receive urban services in the same manner as other areas within of the City. The City of Fort Wayne will provide fire and police protection, solid waste disposal, traffic control and emergency medical service upon the effective date of annexation. Certain other services such as street maintenance will occur within 8 to 10 months after the annexation date. Street lighting of intersections will occur within three years while any additional street lighting and street construction will be provided in accordance with the City's standard procedures, which include petitioning and financial participation by property owners. Water, sewer and drainage services provided by the Fort Wayne City Utilities will be made available to the residents in conformance with relevant State Law and utility policies. Existing facilities of the Fort Wayne Parks and Recreation Department will also be available to residents of the area upon annexation. Park development within the annexation area is contingent upon the park planning standards and methods used City-wide.

A. Police Department

Many services are provided by the City of Fort Wayne Police Department. Among these are the prevention of crime, the detection and apprehension of criminal offenders, assistance for those who cannot care for themselves or who are in danger of physical harm, resolution of day-to-day conflicts, and the creation and maintenance of a feeling of security in the community. The Police Department is also involved in legal work, such as protecting our constitutional rights and participating in court proceedings. Other responsibilities include traffic control and the promotion and preservation of civil order. District 3 will be expanded to cover the Tamarack Annexation Area (see Figure 16). The Police Department keeps a record of the percentage of personnel and equipment necessary for the City's annexation program, and has determined that additional personnel are not required for this particular annexation. This District presently has two officers assigned to it per shift, which gives a forecast of six patrols per every 24-hour period. Even though there are daily variations, the Chief of Police will routinely

monitor the situation and will make the necessary adjustments in patrol districts, patrol patterns, and manpower so that response time to high priority calls will be approximately three minutes, which is the City standard.

The annual cost of providing protection to this area will be approximately $424.49. This cost is based upon a patrolman's average hourly rate of $11.23 multiplied by an estimated 45 minutes spent per call. This total is then multiplied by the estimated number of calls (48 per year) for service to this area. This total cost, which equals $404.28, is the direct personnel cost. A small non-personnel cost of 5% is then added on to the above total. This gives the overall cost of $424.49 annually to service this area. Funding for police services in the annexation area will come from the regular Police Department budget which is derived primarily from local property taxes through the General Fund.

CAPITAL COST: $ 0.00
ESTIMATED ANNUAL COST: $424.49

B. Fire Department

The Fort Wayne Fire Department will be responsible for providing all fire protection services to the Tamarack Annexation Area immediately upon annexation. These services include, but are not limited to, full fire suppression activities, full fire prevention activities, emergency medical support response on life hazards, general hydrant maintenance, emergency hazardous materials response, public education and public relations services, and fire investigation services. Primary response will come from Station Number 14 located at 3400 Reed Road (See Figure 5). The response time in this area will be 4 to 6 minutes, which is the standard for other areas within the City of Fort Wayne. Station Number 14 currently has one Class A Pumper with 1,200 gallons per minute pumping capacity and a 750-gallon carrying capacity, and a medical response car. Secondary response would come from Station Number 13 at 1103 East Coliseum Boulevard.

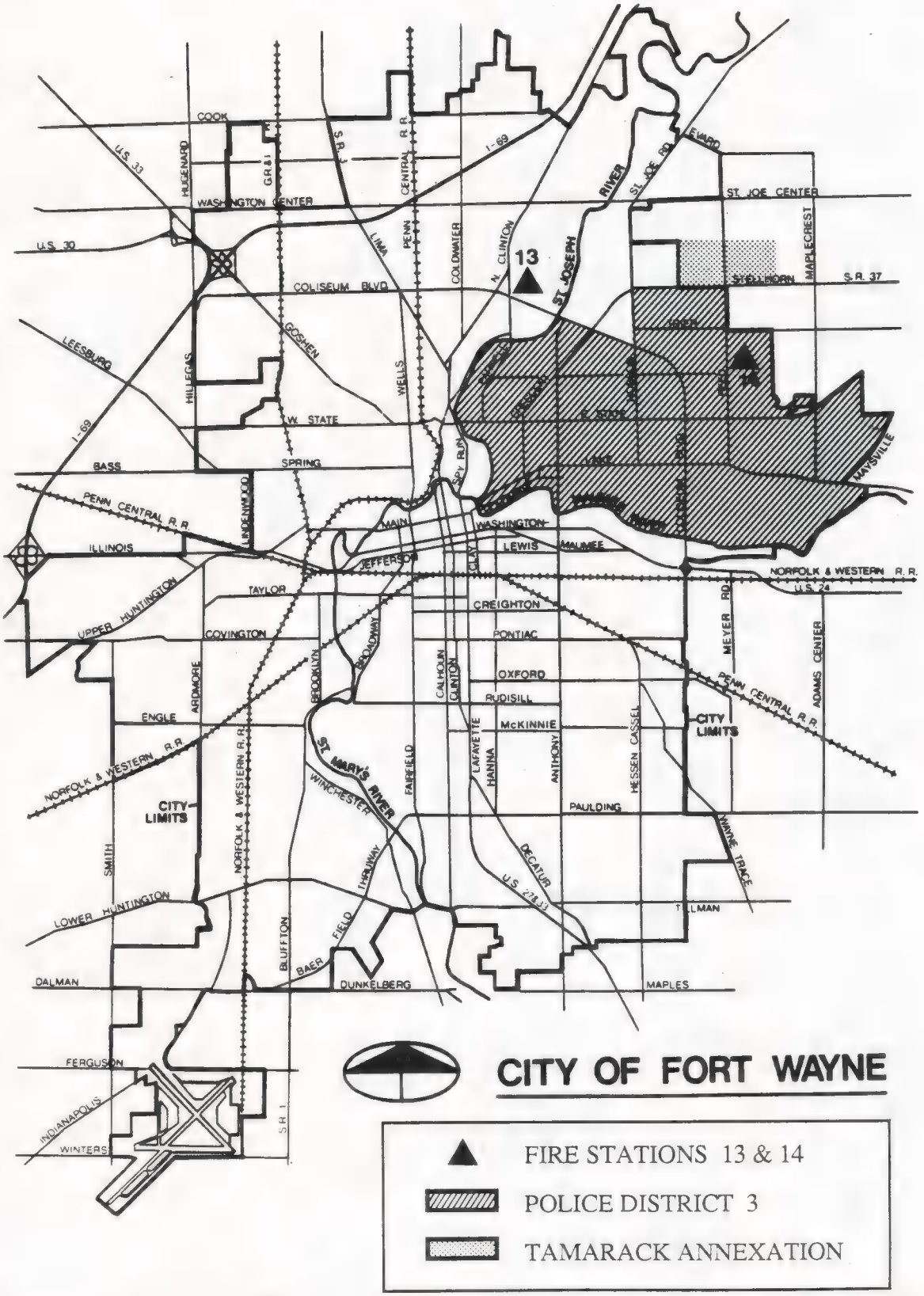
The cost to provide fire protection to Tamarack Annexation Area would be negligible no additional personnel or equipment are necessary. Funding for any small expenses would come from the Fire Department's budget through the General Fund.

CAPITAL COST: $0.00
ESTIMATED ANNUAL COST: $0.00

C. Emergency Medical Service

Presently, the Three Rivers Ambulance Authority is the only provider of ambulance service to City residents. Tamarack Annexation Area residents will receive full advanced life support

FIGURE 5



POLICE AND FIRE SERVICE

ambulance service immediately upon annexation. Using service run records from the past several years, as many as six ambulances will be stationed at different locations throughout the community. Once a request for service is made from the newly-annexed area, the ambulance closest to the area will be dispatched in response to the call. In addition, for some emergencies, such as heart attacks or seizures, the Fort Wayne Fire Department will provide assistance. Primary assistance will come from Station Number 14. Secondary assistance from the Fire Department will come from Station Number 13. The Fire Department trains a number of employees so that each fire station has an emergency medical technician on duty at all times. Therefore, if needed, medically-aware firefighters are able to administer medical treatment to residents before the ambulance arrives.

The method of financing Emergency Medical Services is based on user fees. The charges for ambulance service as of January 1, 1988, are shown below:

1. $95 plus $3 per loaded mile for non-emergency transfer scheduled 24 hours in advance.

2. $120 plus $3 per loaded mile for non-scheduled, non-emergency transfers.

3. $380 for emergencies for all City and non-City residents.

This method of financing permits service to be extended to the annexation area with its existing budget and no additional manpower or equipment will be needed to service the annexation area.

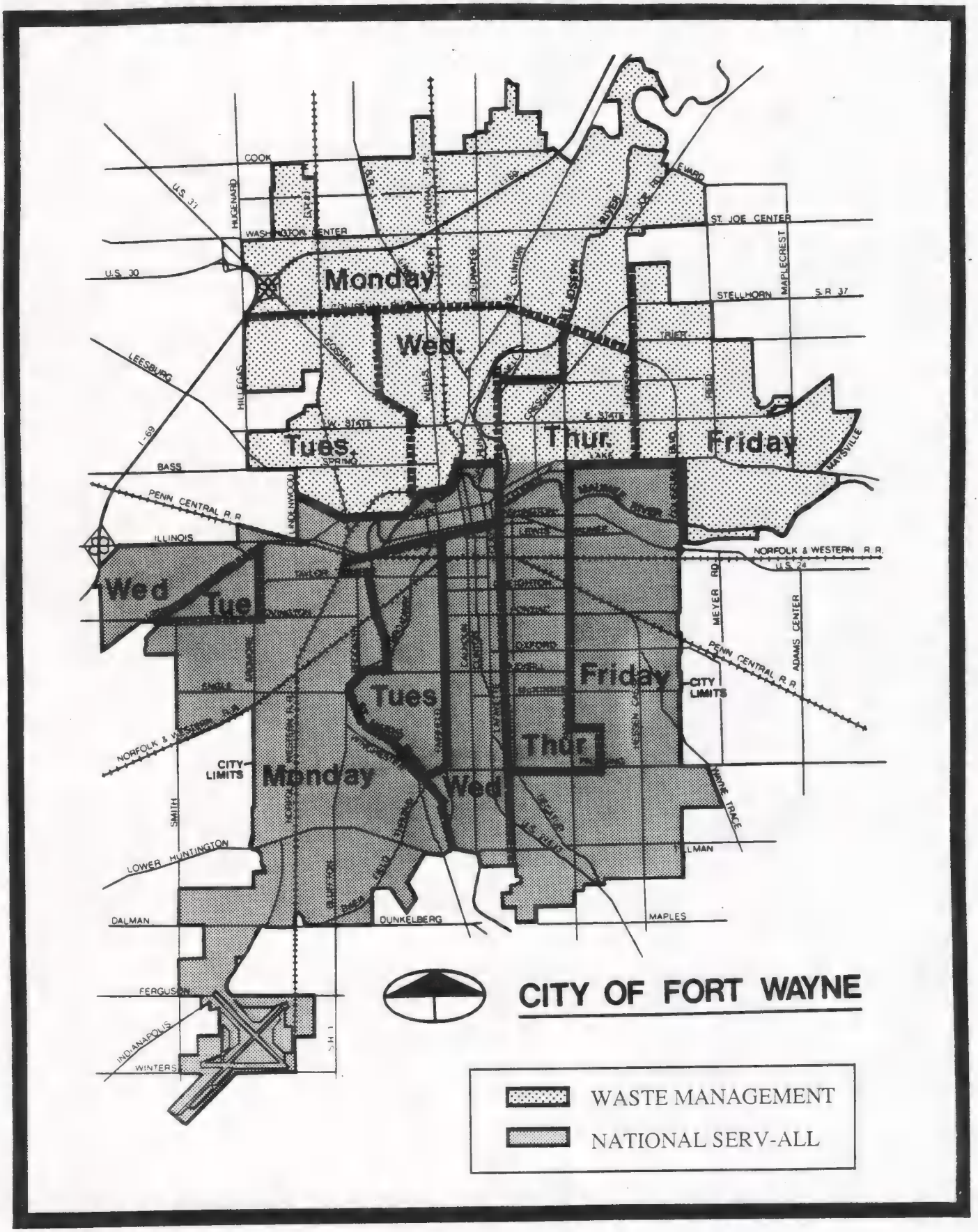
CAPITAL COST: $0.00
ESTIMATED ANNUAL COST: $0.00

D. Solid Waste Disposal

Upon annexation, Fort Wayne will provide garbage collection to the Tamarack Annexation Area. The City currently contracts with National Serv-All and Waste Management of Fort Wayne to supply this service. The Tamarack Annexation Area will be served by Waste Management of Fort Wayne (See Figure 6). According to the contract agreement, the City is charged $55.20 per household per year for this service. Consequently, annexation of 630 residences in the Tamarack Annexation Area will cost $34,776 per year. Solid waste collection will be financed by the City's Garbage Disposal Fund which comes from the General Fund

ESTIMATED CAPITAL COST: $ 0.00
ESTIMATED ANNUAL OPERATING COST: $34,776.00

FIGURE 6



SOLID WASTE DISPOSAL

E. Traffic Control

The City's Traffic Engineering Department will assume responsibility for traffic control in the annexation area within eight to ten months after the effective date of annexation. Traffic Engineering provides installation and maintenance of traffic control devices and completes surveys and investigations which are necessary to equitably provide these services. The Traffic Engineering Department will not require additional personnel to perform its services in the Tamarack Annexation Area specifically. Capital and labor costs will be $550.90 for the installation of street signs in the area (See Table 2). Figure 7 on page 20 shows the location of signs in the Tamarack Annexation Area.

TABLE 2
STREET SIGNAGE COSTS

Type	Size	No. Required	Cost	Total Cost
Street Name	30"x6"	7	$49.90	$349.30
Post				
	12'2 lb.	7	$11.25	$ 78.75
Labor				$122.85
Grand Total Labor and Material				$550.90

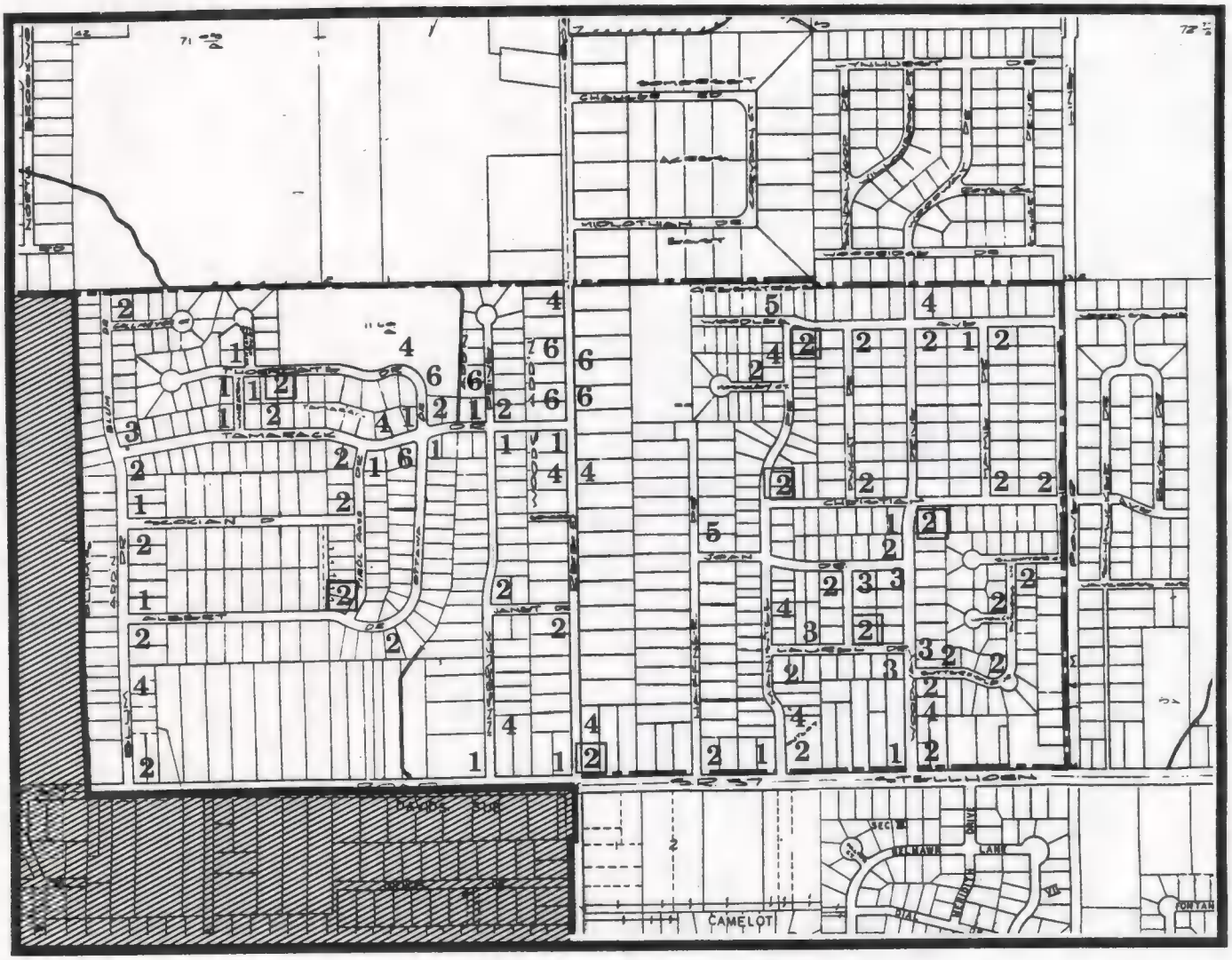
There will also be an annual cost of $160.80 for the painting of 2,400 feet of centerline, edgeline and lane lines along Reed Road. Funding sources for these services will come from Real Estate Taxes, Motor Vehicle Highway (MVH) Funds, and Revenue Sharing Funds.

CAPITAL COST: $550.90
ESTIMATED ANNUAL COST: $160.80

F. Streets and Roads

The incorporation of the annexation area will add 6.41 miles of residential streets and .50 miles of arterial streets to the City street system. Of this total, 4.50 miles of the residential streets are in good condition, while 1.07 miles are in fair condition and .84 miles are in poor condition. The entire .50 miles of arterial street are in good condition. The Fort Wayne Street Department will be responsible for the general maintenance of all the streets in the annexation area immediately upon annexation. General maintenance includes snow and ice removal as well as berm work. Leaf removal, street sweeping and grass

FIGURE 7



STREET SIGNS

1	-	STOP
2	-	STREET NAME
3	-	YIELD
4	-	SPEED LIMIT
5	-	DEAD END
6	-	SCHOOL
□	-	REPLACEMENT

mowing are all under the auspices of the Street Department. The Street Engineering Department will provide engineering services and construction supervision for all streets, alleys and sidewalks that will be constructed within the annexation area. The provision of these services to the annexation area will not require any additional personnel or equipment, and will be similar to those services already provided to the rest of the City. The average cost of general street maintenance is roughly estimated to be $2,500 per mile of street per year, so the annexation will cost the City approximately $17,275 per year for street maintenance. The funding source for street maintenance is the Street Department budget which is made up of funds from the Motor Vehicle Highway (MVH) Program. The Street Engineering Department funds come from the MVH, Federal Aid Urban (FAU) and Local Arterial Roads and Streets (LARS) Programs.

Besides the maintenance services just discussed, the Street Department will improve streets upon receipt of a petition from the property owners. Arterial and collector streets can be improved with funding from accounts such as FAU and LARS. The cost to improve residential streets will be split between the property owners petitioning for the improvements and the City. The City's share will come from Motor Vehicle Highway funds. All petitions from the annexation area will be treated equally with other petitions in the City and honored according to the same criteria, such as filing date and amount of money available in any particular year. If annexed, the residents will be able to use Barrett Bonding as a source to finance their share of the street project.

CAPITAL COST:	$ 0.00
ESTIMATED ANNUAL COST:	$ 17,275.00

G. Parks and Recreation

Residents of the Tamarack Annexation Area presently have access to City facilities such as swimming pools, baseball/softball diamonds, picnic facilities, golf courses, indoor and outdoor skating facilities, etc. Shoaff Park, with 169 acres, has a ball diamond, a basketball court, athletic fields, playground equipment, fishing, archery, tennis courts, picnic areas, pavilions and a golf course. All of these facilities plus over 2,000 acres of public park lands and programs for all ages are available to the residents of the Tamarack Annexation Area. Therefore, there is no need for additional open space at this time. Upon annexation, the residents of this area will continue to have access to these facilities, and through the property tax, will contribute to their maintenance.

CAPITAL COST:	$0.00
ESTIMATED ANNUAL COST:	$0.00

H. Water

The Fort Wayne Water Utility is presently serving the Tamarack Annexation Area (See Figure 8). Additional capital improvements which will benefit this area are also scheduled. These improvements include feeder lines and a new water tower. The funding for these capital improvements will be available from utility revenues and possible developer contributions. The extension of water services will be considered upon petition to the Board of Works by the property owners.

This procedure is the same as that being used by other areas within the City. Once this area is annexed into the City, the residents will no longer have to pay the out-of-City surcharge.

CAPITAL COST: $0.00
ESTIMATED ANNUAL COST: $0.00

I. Fire Hydrants

The City of Fort Wayne pays the Fort Wayne Water Utility $181.50 annually for each fire hydrant located within the City. Since this annexation contains 59 fire hydrants, the City will pay the water utility $10,708.50 per year after the area is annexed into the City. This money will be taken from the General Fund.

CAPITAL COST: $ 0.00
ESTIMATED ANNUAL COST: $10,708.50

J. Sanitary Sewers

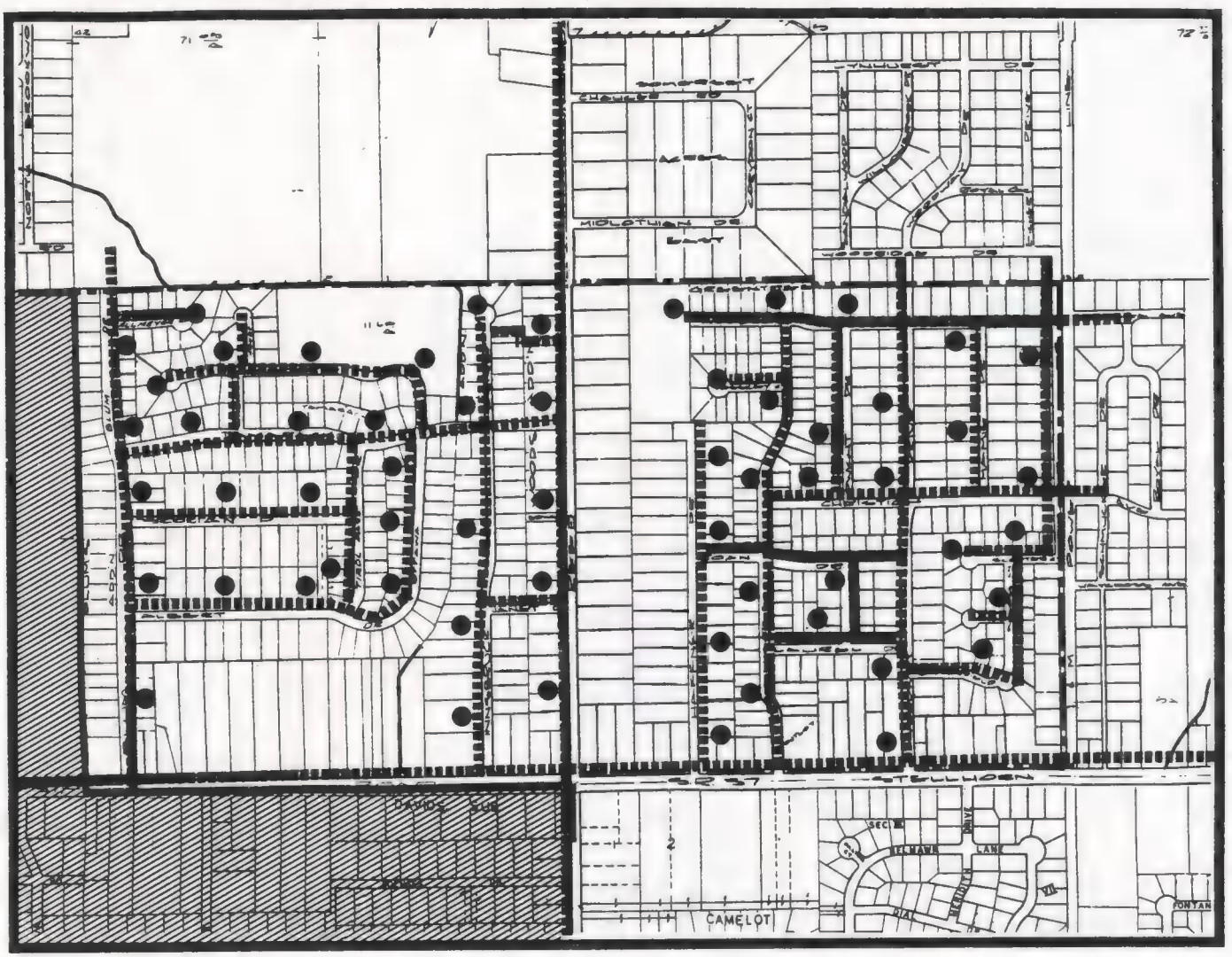
Presently, the Fort Wayne Department of Water Pollution Control (WPC) provides sanitary sewers to a majority of the Tamarack Annexation Area (See Figure 9 on page 24). For additional sewer service, the residents will first have to petition the Board of Public Works. Residents will also have to pay for any additional service. Upon annexation, residents will be able to take advantage of the Barrett Bonding process which permits residents to make long-term, low-interest payments for their sewers.

CAPITAL COST: $0.00
ESTIMATED ANNUAL COST: $0.00

K. Storm Sewers

Upon annexation, the Department of Water Pollution Control will consider capital improvements for storm sewers if petitioned by the property owners of the annexation area. It is the City's

FIGURE 8

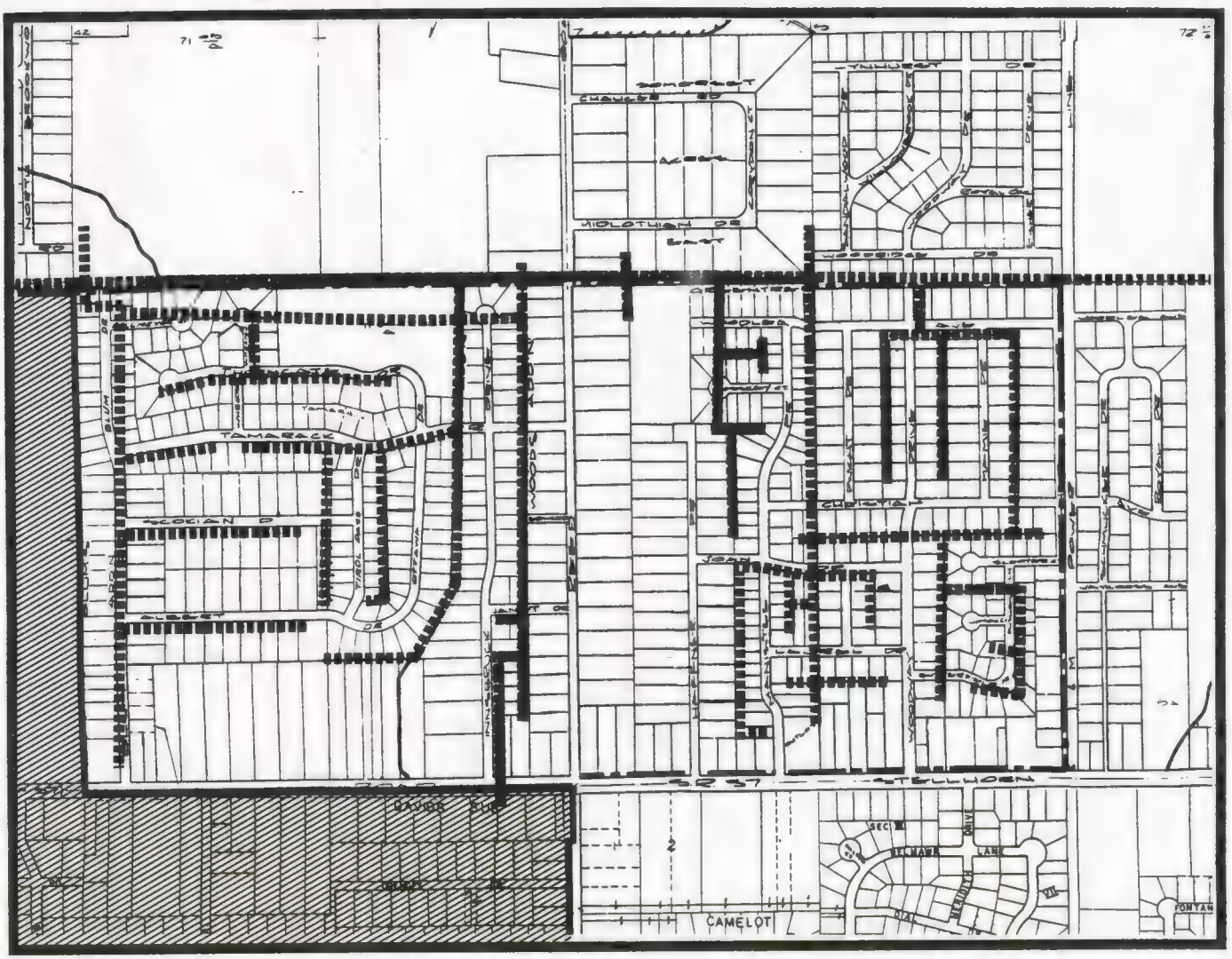


WATER LINES

WATER LINES

FIRE HYDRANTS

FIGURE 9



SEWER LINES

▪▪▪▪▪▪▪▪▪▪▪▪ SEWER LINES

policy that the financing of storm sewers be the responsibility of property owners.

CAPITAL COST: $0.00
ESTIMATED ANNUAL COST: $0.00

L. Street Lighting

It is the goal of the City of Fort Wayne Street Lighting Department to light every unlit intersection in the City. This would reduce night accidents, facilitate traffic flow, aid in police protection, and inspire community spirit and growth. Therefore, the City will place approximately 29 street lights in the Tamarack Annexation Area. If additional lights are desired, the residents must petition for them. Petitions will be treated the same as those from other areas with the City. Priority will be assigned based on need, filing date and available funding. The City will pay for the construction costs of City standard lighting. These capital costs will be funded from various sources, such as the General Lighting Fund, revenue sharing and the developers. Operating costs are paid by the City through its regular departmental budgets. Additional mid-block lighting must be petitioned for by the residents involved, per State Statute. If the residents prefer to have ornamental lights, they would also have to petition for them and would be assessed for the cost of such installation.

Immediately upon the effective date of annexation, the City will purchase and maintain the 40 lights which are currently being rented from Indiana and Michigan Power Company. It is assumed that the 29 additional intersection street lights will be constructed in the third year and the operating costs for these street lights will be computed as an annual operating cost from that year on.

CAPITAL COST: $12,000.00 (the first year)
CAPITAL COST: $63,800.00 (the third year)
ESTIMATED ANNUAL COST: $ 1,728.00 (the first and second year)
ESTIMATED ANNUAL COST: $ 2,980.80 (the third year)

M. Administrative Services

All administrative functions of the City will be available to the Tamarack Annexation Area residents immediately upon the effective date of annexation. These services include, but are not limited to, the Law Department, the City Plan Commission, the Mayor's Office, the Board of Works, the Metropolitan Human Relations Department, the City Clerk's Office, the Citizen's Advocate Office, etc. General administration includes all of the regulatory and program functions of the various City departments. When the area is annexed, City departments will be notified and will expand their jurisdictional areas accordingly.

the costs of these services cannot be directly related to the size and population of an area. Consequently, this plan does not include cost estimates. However, expansion of administrative functions is possible. Funding comes from a variety of sources, including the General Fund, the State and Federal Government.

CAPITAL COST:	$0.00
ESTIMATED ANNUAL COST:	$0.00

SECTION FIVE - FINANCIAL SUMMARY AND RECOMMENDATION

The purpose of this section is to project the revenues and expenditures of the proposed Tamarack Area Annexation. This section will also provide a five-year summary of the expenditures compared with the revenues.

A. REVENUES

Property taxes are the main source of revenue to be received from the Tamarack Annexation Area. Property taxes are computed from the gross amount of assessed valuation in the area which can be obtained from the office of the St. Joseph Township Assessor. The formula for computing tax revenue is shown in Table 3.

TABLE 3
TAX REVENUE FORMULA

$$\frac{V-E}{100} \quad (T) = TR$$

WHERE:
- V = Assessed Valuation
- E = Home Mortgage Exemption ($1,000)
- T = Tax Rate Difference
- TR = Tax Return

The total assessed valuation of the proposed Tamarack Annexation Area is $6,422,930. Home mortgage exemption is deducted from this total. There are 630 residential structures in the annexation area, and assuming that each one is eligible for a home mortgage exemption of $1,000, the total taxable assessed valuation of the annexation area becomes $5,792,930 in 1988. Property tax revenue for 1989 can then be determined by applying the city tax to this figure giving a total property tax revenue of $222,680. Using a five percent annual rate of inflation the property tax revenue for 1991, the first year taxes would be due after annexation, would be $245,504.95. If we apply the sixty-six (66%) percent abatement (as proposed by the City for taxes due in 1991) to this figure, the net revenue figure becomes $83,472. (A portion of this revenue would be supplied from the State Property Tax Relief Fund). A thirty-three (33%) percent abatement is used to calculate property tax revenue for 1992 with full taxes payable in 1993.

This annexation will also enable the City to receive additional money from the Motor Vehicle Highway (MVH) and from the Local Arterial Roads and Streets (LARS) Funds. These funds are allocated based upon street miles. In 1987, the City received $5,530 per street mile from the Motor Vehicle Highway (MVH) Fund and $1,993 from the Local Arterial Roads and Streets (LARS) Fund. Therefore, the City will receive an additional $38,212 from Motor

Vehicle Highway (MVH) Funds and an additional $13,772 from Local Arterial Roads and Street (LARS) Funds due to the Tamarack Annexation Area. These funds will be received one year after the effective date of the annexation.

TABLE 4
TAXING DISTRICT RATE

Corporation General	$2.5106
Corporation Bond	.4405
Firemen Pension	.2359
Policemen Pension	.2015
Parks General	.4230
Redevelopment General	.0164
Sanitary Officers Pension	.0161
	$3.8440

In addition to property taxes and highway funds, the City receives revenues from the Community Development Block Grant, the Cigarette Tax and the Alcoholic Beverage Tax. These funds and grant monies are based in part on the City's population. Since population is only one element of a very complex distribution formula, the direct contribution of the Tamarack Annexation Area cannot be calculated. Still, these funds will increase as the City's population increases.

B. EXPENDITURES

The expenditures which were reported in the Municipal Services section are summarized in Table 5. Capital costs are separated from operating costs and they are considered as maximum expenditures. Since the needs of the annexation area must be treated equally with the needs of other areas in Fort Wayne, capital improvement projects such as the construction of streets, curbs, and sidewalks must follow routine City procedures which often require petitioning.

C. FIVE-YEAR SUMMARY

The Five-Year Summary shows the projected expenditures compared with the tax revenues expected in the Tamarack Annexation Area for the first five years after it is incorporated into the City of Fort Wayne.

The summary automatically includes for each of the five years a 3.7 percent inflation factor for municipal expenditures, and a 5 percent increase factor for City revenues. The 3.7 percent inflation factor is the rate of inflation from December, 1986, to December, 1987, as calculated by the U.S. Department of Labor.

The revenue factor is derived from the percent increase of assessed valuation in Indiana. This increase is applied to the City's allowed levy ceiling.

Table 5 includes both capital and operating costs in the estimated first year expenditures. Capital costs are a one-time expenditure to upgrade the proposed annexation area, while operating costs are annual expenditures.

TABLE 5
EXPENDITURES

DEPARTMENTS	CAPITAL COSTS	OPERATING COSTS
Police Department	$ .00	$ 424.49
Fire Department	.00	.00
Emergency Medical Service	.00	.00
Solid Waste Disposal	.00	34,776.00
Traffic Control	$ 550.90	160.80
Streets and Roads	.00	17,275.00
Street Lighting	$75,800.00	2,980.00
Parks	.00	.00
Water	.00	.00
Fire Hydrants	.00	10,708.50
Sanitary Sewer	.00	.00
Storm Sewer	.00	.00
Administrative Functions	.00	.00
TOTALS	$76,350.90	$66,324.79

Property tax revenue from the annexation area will not be collected until 1991. Assuming the area is annexed on December 31, 1989, assessment will not occur until March, 1990, with revenues being collected in 1991. Since revenues are not collected for one year after the effective date of annexation, the City will experience a loss of $83,474 in 1990.

Table 6 on the following page shows the overall Revenues and Expenditures with abatement.

TABLE 6
REVENUES MINUS EXPENSES
WITH ABATEMENT

	EXPENDITURES	PROPERTY TAX REVENUE	MVH & LARS	BALANCE
1990	$ 83,474	--------	-------	- 83,474
1991	$ 72,566	$ 83,472	$51,984	+ 62,890
1992	$150,479	$172,713	$51,984	+ 74,218
1993	$ 79,537	$270,669	$51,984	+243,116
1994	$ 82,480	$284,203	$51,984	+253,707
TOTALS	$468,536	$811,057	$207,936	$550,457

D. RECOMMENDATION

This Fiscal Plan, which meets the State Law requirements that a fiscal plan be prepared, shows that the Tamarack Annexation is in accordance with the applicable State Statutes. Therefore, it is recommended that after the passage of the annexation ordinance and its approval by the Mayor, this area should be annexed by the City of Fort Wayne on December 31, 1989. If a remonstrance is filed against this annexation, the annexation will become effective upon the resolution of litigation.

It is not anticipated that, due to the annexation of the Tamarack Area, any governmental employees will be eliminated from other governmental agencies. In the event government employees lose their jobs due to the annexation of this area, these employees will be given the chance to apply for employment with the City of Fort Wayne.

TABLE 7
ST. JOSEPH TOWNSHIP RATES

		ST. JOSEPH TRANSIT		FORT WAYNE ST. JOSEPH	
STATE	St. Fair Board	.0035		.0035	
	St. Forestry	.0065		.0065	
	Welfare HCI	.0636		.0636	
	Welfare Administration	.0909		.0909	
	TOTAL STATE		.1645		.1645
COUNTY	County General	.9736		.9736	
	County Welfare	.1617		.1617	
	County Health	.0705		.0705	
	Cumulative Bridge	.0500		.0500	
	County Bonds	.1050		.1050	
	Cumulative Capital Development	.0700		.0700	
	TOTAL COUNTY		1.4308		1.4308
TOWNSHIP	Township General	.0038		.0038	
	Poor Relief	.0103		.0103	
	Fire Protection	.0816			
	Township Recreation	.0019		.0019	
	TOTAL TOWNSHIP		.0976		.0160
SCHOOLS	School General	3.0369		3.0369	
	Debt Service	.0704		.0704	
	School Transportation	.3009		.3009	
	Museum of Art	.0050		.0050	
	Capital Projects	.5641		.5641	
	TOTAL SCHOOL		3.9773		3.9773
AIRPORT AUTHORITY	Airport General	.0963		.0963	
	Airport Debt	.0216		.0216	
	TOTAL AIRPORT		.1179		.1179
LIBRARY	Library General	.3705		.3705	
	Library Debt	.0204		.0204	
	TOTAL LIBRARY		.3909		.3909
PTC	PTC General	.1242		.1242	
	TOTAL PTC		.1242		.1242
CITY AND SPECIAL TAXING DISTRICT	Corporation General			2.5106	
	Redevelopment General			.0164	
	Corp. Bond			.4405	
	Firemen Pension			.2359	
	Policemen Pension			.2015	
	Park General			.4230	
	Sanitary Officers Pen.			.0161	
	TOTAL CITY, TOWNS, AND SPECIAL TAXING DISTRICT RATES				3.8440
TOTAL TAX RATE			6.3032		10.0656

TAMARACK LEGAL

Part of the Southeast Quarter of Section 20 and part of the Southwest Quarter of Section 21 both in Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows:

Beginning at a point, said point being the intersection of the west line of the Southeast Quarter of Section 20, Township 31, North, Range 13 East, and the north right-of-way line of Stellhorn Road (commonly known as S.R. #37); thence in a Northerly direction along said west line, also being the corporate limits as established by Annexation Ordinance X-21 (as filed in the office of the City Clerk), to the intersection with the north line of said Southeast Quarter of Section 20; thence in an Easterly direction along the said north line to the Northeast corner of the Southeast Quarter of Section 20; thence South to the Northwest corner of the Southwest Quarter of Section 21; thence Easterly along said Northline of the Southwest Quarter of Section 21 to the intersection with the east line of said Southwest Quarter of Section 21; thence in a Southerly direction along said east line to the intersection with the north right-of-way line of Stellhorn Road (commonly known as S.R. #37); thence in a Westerly direction along north right-of-way line of Stellhorn Road to its intersection with the west right-of-way line of Reed Road; thence continuing Westerly along said north line, also being the Corporate Limits as described in Annexation Ordinance X-03-84 (as filed in the office of the City Clerk); thence in a Westerly direction along the north right-of-way line of Stellhorn Road (S.R. #37), this being on the existing Corporate Limits, to the point of beginning, containing 315 acres more or less.

The City of Fort Wayne

November 28, 1988

Ms. Cynthia Wilkins
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Wilkins:

Please give the attached full coverage on the dates of December 1 & 8, 1988, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council of Fort Wayne, IN

Bill No. X-88-09-26
Annexation Ordinance No. X-05-88
Tamarack Annexation

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

[illegible] shall be entitled to an abatement of a portion of their property tax liability under I.C. 6-1.1 for municipal purposes, as provided by I.C. 36-4-3-8.5. Said tax abatement program shall be in effect for the two taxable years after December 31, 1989. Sixty-six percent (66%) of the taxpayer's liability for municipal purposes shall be abated in the first year of the abatement program. Thirty-three percent (33%) of the taxpayer's liability for municipal purposes shall be abated in the second year of the abatement program. On or before February 1 of each taxable year during the abatement program, the Divison of Community Development and Planning, or its designated representative or successor, shall identify and certify to the Auditor of Allen County those properties eligible for abatement under this ordinance.

Charles B. Redd

COUNCILMEMBER

Read the third time in full and on motion by Redd, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Six
Burns, Henry, Long, Redd, Schmidt, Talarico

Nays: Three
Bradbury, GiaQuinta, Stier

DATE: 11-22-88

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-05-88 on the 22nd day of November, 1988.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Thomas C. Henry
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of November, 1988, at the hour of 10:00 o'clock A.M.,E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 23rd day of November, 1988, at the hour of 11:45 o'clock A.M.,E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-05-88, passed by the Common Council on the 22nd day of November, 19 88, and that said Ordinance was duly signed and approved by the Mayor on the 23rd day of November, 19 88, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the [illegible]

in standard and scope to those non-capital services provided to areas within the City of Fort Wayne which have similar topography, patterns of land utilization and population density to the said described territory. The City of Fort Wayne will also provide services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three (3) years of the effective date of annexation, in the same manner as such services are provided to areas already in the City of Fort Wayne with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION 3. That governmental and proprietary services will be provided to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Division of Community Development and Planning. Said Plan was examined by the Common Council of the City of Fort Wayne and is approved and adopted by the Common Council by and upon the passage of this Ordinance.

SECTION 4. That said described territory shall be a part of Councilmanic Political Ward No. 2 of the City of Fort Wayne, Indiana, as described in Division I, Section 2-9 of Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended.

SECTION 5. That after its passage, any and all necessary approval by the Mayor, due legal publication, and the required sixty (60) day remonstrance period, this Ordinance shall be in full force and effect. The above described territory shall become part of the City of Fort Wayne on December 31, 1989, provided a remonstrance is not filed. In the event a remonstrance is filed, the effective date of annexation shall be thirty days after the termination of the appeal period after the judicial disposition of the remonstrance.

LEGAL NOTICE

Notice is hereby given that on the 22nd day of November, 19 88, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. X-88-09-26 Annexation Ordinance No. X-05-88 to-wit:

Bill No. X-88-09-26

ANNEXATION ORDINANCE NO. X- 05-88

AN ORDINANCE annexing certain territory commonly known as the Tamarack Annexation Area to Fort Wayne and including the same in Councilmanic District No. 2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be and the same is hereby annexed to, and made a part of, the corporation of the City of Fort Wayne, Indiana, to-wit:

Part of the Southeast Quarter of Section 20 and part of the Southwest Quarter of Section 21 both in Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows:

Beginning at a point, said point being the intersection of the west line of the Southeast Quarter of Section 20, Township 31, North, Range 13 East, and the north right-of-way line of Stellhorn Road (commonly known as S.R. #37); thence in a Northerly direction along said west line, also being the corporate limits as established by Annexation Ordinance X-21 (as filed in the office of the City Clerk), to the intersection with the north line of said Southeast Quarter of Section 20; thence in an Easterly direction along the said north line to the Northeast corner of the Southeast Quarter of Section 20; thence South to the Northwest corner of the Southwest Quarter of Section 21; thence Easterly along said Northline of the Southwest Quarter of Section 21 to the intersection with the east line of said Southwest Quarter of Section 21; thence in a Southerly direction along said east line to the intersection with the north right-of-way line of Stellhorn Road (commonly known as S.R. #37); thence in a Westerly direction along north right-of-way line of Stellhorn Road to its intersection with the west right-of-way line of Reed Road; thence continuing Westerly along said north line, also being the Corporate Limits as described in Annexation Ordinance X-03-84 (as filed in the office of the City Clerk); thence in a Westerly direction along the north right-of-way line of Stellhorn Road (S.R. #37), this being on the existing Corporate Limits, to the point of beginning, containing 315 acres more or less.

The boundaries of said territory are those outlined in the location map designated "Tamarack Annexation", two copies of which are on file in the office of the Clerk of the City of Fort Wayne and available for public inspection as provided by law.

SECTION 2. That the City of Fort Wayne will furnish the

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

IN THE ALLEN CIRCUIT COURT

CAUSE NO. 02C01-8901-MI-6

TAMARACK AREA LANDOWNERS,
Remonstrators and Plaintiffs

vs.

CITY OF FORT WAYNE, INDIANA,
Respondent and Defendant

JUDGMENT OF ANNEXATION UPON REMONSTRANCE

Comes now the Court, after hearing held April 19, 1989, on a remonstrance filed February 3, 1989, by certain individuals representing a majority of the landowners in the territory sought to be annexed by the City of Fort Wayne Annexation Ordinance No. X-05-88, and enters judgment on the question of annexation according to the evidence as follows:

Findings of Fact

1. The territory sought to be annexed by City of Fort Wayne Annexation Ordinance X-05-88 is Thirty-three and two-tenths percent (33.2%) contiguous to the existing boundaries of the City of Fort Wayne.

2. One Thousand Two Hundred Forty (1,240) people reside in the territory sought to be annexed by City of Fort Wayne Annexation Ordinance X-05-88.

3. The territory sought to be annexed by City of Fort Wayne Annexation Ordinance X-05-88 contains three hundred fifteen (315) acres.

4. The resident population density of the territory sought to be annexed by City of Fort Wayne Annexation Ordinance X-05-88 is greater than three (3) persons per acre.

5. The territory sought to be annexed by City of Fort Wayne Annexation Ordinance X-05-88 is more than sixty percent (60%) subdivided.

6. City of Fort Wayne Annexation Ordinance X-05-88 was passed and adopted by the Common Council of the City of Fort Wayne on November 22, 1988 and approved by the Mayor of the City of Fort Wayne on November 23, 1988.

7. City of Fort Wayne Annexation Ordinance X-05-88 was

published in the Fort Wayne Journal-Gazette and Fort Wayne News-Sentinel on December 1, 1988 and December 8, 1988.

8. By resolution adopted by the Common Council of Fort Wayne on August 28, 1979, and codified at Section 2-1.1 of the Code of the City of Fort Wayne, the City of Fort Wayne had established prior to the adoption of Annexation Ordinance X-05-88 a definite policy committing the City to provide territories to be annexed the following:

a) Police and fire protection, emergency medical service, solid waste collection, traffic engineering, street and road maintenance and other non-capital services within one year from the effective date of annexation in a manner which is equivalent in standard and scope to those non-capital services normally provided to areas within the City which have a similar topography, patterns of land utilization and population density; and

b) Services of a capital improvement nature, such as street construction, street lighting, sewer facilities, water facilities and storm water drainage facilities, within three (3) years of the annexation, in the same manner as those services are provided to areas within the City which have similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

9. On November 22, 1988, City of Fort Wayne Common Council adopted Resolution R-78-88 which sets forth the policy of the City of Fort Wayne in regards to the Tamarack annexation area, the territory sought to be annexed by City of Fort Wayne Annexation Ordinance No. X-05-88, which resolution incorporates and approves the written fiscal plan for said territory titled "Tamarack Annexation Fiscal Plan," as well as committing the City to provide non-capital and capital services to the territory consistent with the City policy set forth in Section 1.1 of Chapter 2 of

the City Code.

10. Two copies of the Tamarack Annexation Fiscal Plan, incorporated by reference in Resolution R-78-88, have been on file in the Office of the Clerk of the City of Fort Wayne since November 22, 1989, and have been available for public inspection since that date.

11. Said written fiscal plan, as incorporated into Resolution R-78-88, shows:

A) Planned services to be furnished;

B) Cost estimates of planned services to be furnished;

C) The plan for the organization and extension of services; and

D) The plan for hiring employees of other governmental entities whose jobs will be eliminated by the proposed annexation.

12. The City plans to provide police protection immediately upon annexation by expanding the jurisdictional boundaries of Police District 3, and providing for six patrols each 24 hour period which service is standard for the City and equivalent in scope to police protection services presently provided to areas within the City which have similar topography, patterns of land use and population density.

13. The City plans to provide fire services immediately upon annexation which will include fire protection and suppression, emergency rescue, fire prevention and fire inspection with the territory to be served by a primary fire station located .8 mile away with an estimated response time of four to six minutes which services are standard for the City and equivalent in scope to fire protection services presently provided to areas within the City which have similar topography, patterns of land use and population density.

14. The City plans to provide full advanced life support ambulance service immediately upon annexation through the City's agreement with the Three Rivers Ambulance Authority as well as extra emergency assistance through the fire department's

emergency medical technician stationed at each fire station. Said proposed level of services is standard for the City and equivalent in scope to emergency medical services presently provided to areas within the City which have similar topography, patterns of land use and population density.

15. The City plans to provide immediately upon annexation weekly residential garbage collection which level of service is standard for the City and equivalent in scope to the garbage collection service presently provided to areas within the City which have similar topography, patterns of land use and population density.

16. The City plans to provide within eight to ten months after annexation engineering services for traffic control which would include investigation of the need for, and the installation and maintenance of, traffic control devices which level of services is standard for the City and equivalent in scope to the traffic control engineering services presently provided to areas within the City which have similar topography, patterns of land use and population density.

17. The City plans to provide immediately upon annexation general street maintenance which will include ice and snow removal and general surface maintenance by incorporating the territory's .50 miles of arterial streets and 6.41 miles of residential streets into the City's street maintenance program, which level of service is standard for the City and equivalent in scope to the street maintenance services presently provided to areas within the City which have similar topography, patterns of land use and population density.

18. The City's water utility presently serves the territory and will extend water services to those properties not presently served in the same way as such services are extended within the City presently.

19. The City currently provides sanitary sewers to a substantial majority of properties within the territory and will extend additional service in a manner consistent with the way such

services are presently extended within the City limits.

20. The City plans within three years of the annexation to place street lights at the twenty-nine (29) intersections which do not presently have them and to permit residents to petition for additional lighting. The placement of intersection street lights is a capital service which must be provided in a manner consistent with state law and I.C. 36-9-9-8 governs the placement of intersection lighting facilities. I.C. 36-9-9-12 provides the procedures by which citizens may petition for additional lighting services. The procedures for intersectional and additional street lighting set forth in the fiscal plan are consistent with state law and equivalent in standard and scope to those procedures presently available in areas of the City with similar topography, patterns of land use and population density.

21. The City upon annexation will maintain the existing storm sewers located within the territory which service is standard for the City and equivalent in scope to the storm sewer maintenance services presently available in areas of the City with similar topography, patterns of land use and population density.

22. The cost estimates for the planned services are reasonable.

23. The method or methods of financing each planned service are identified.

24. The City has developed a written systematic program for the provision of planned services to the territory sought to be annexed which provides a sufficient benchmark against which to measure the services actually provided within the statutory periods outlined in I.C. 36-4-3-13(d).

25. The legal description contained in City of Fort Wayne Annexation Ordinance No. X-05-88 adequately describes the territory sought to be annexed and said legal call closes.

26. The territory sought to be annexed by the City of Fort Wayne Annexation Ordinance No. X-05-88 was described in such an fashion that it could be identified from intrinsic records by one skilled in such matters.

27. The legal description contained in Annexation Ordinance No. X-05-88 is sufficient.

28. The hearing date herein was set on February 16, 1989 and the attorneys for the Remonstrators were duly notified.

29. No evidence was presented by the Remonstrators to show what efforts, if any, had been undertaken to prepare for this hearing which could not have been completed prior to the hearing.

30. No evidence was presented by the Remonstrators to show what discovery efforts, if any, they had initiated subsequent to the February 3, 1989 filing of the remonstrance herein which could not have been completed by the hearing date set herein pursuant to I.C. 36-4-3-11(c).

31. The Remonstrators did not seek a continuance or postponement of the hearing in this matter until April 13, 1989. Instead, the Remonstrators unsuccessfully sought stays of this proceeding from other courts.

32. The Remonstrators failed to show good cause requiring the postponement or continuance of the hearing scheduled for April 19, 1989.

33. The Remonstrators failed to appear at the April 19, 1989 hearing.

34. The Remonstrators did not serve their remonstrance or constitutional challenge to I.C. 36-4-3-11(c) on the Attorney General for the State of Indiana.

Conclusions of Law

1. The legal description contained in Annexation Ordinance No. X-05-88 is sufficient.

2. No one was actually misled or prejudiced by the form of legal description used by the City of Fort Wayne in Annexation Ordinance X-05-88.

3. The City of Fort Wayne's publication of Annexation Ordinance No. X-05-88 complied with both I.C. 36-4-3-7 and I. C. 5-3-1.

4. City of Fort Wayne Annexation Ordinance X-05-88 satisfies

the requirements of I.C. 36-4-3-13(b) and I. C. 36-4-3-13(d), and all other applicable laws, statutes, requirements and rules of the State of Indiana.

5. The City of Fort Wayne has committed itself to providing a level of planned services to the territory sought to be annexed by Annexation Ordinance X-05-88 that does not discriminate against the residents of said territory in favor of the residents within the existing boundaries of the City of Fort Wayne.

6. The City's written fiscal plan for providing services to the territory sought to be annexed by City of Fort Wayne Annexation Ordinance No. X-05-88 as incorporated by reference in Resolution R-78-88, satisfies the requirements of I.C. 36-4-3-13 and is a sufficient benchmark by which to measure the services actually to be provided the territory as against those services promised.

7. Resolution R-78-88, by incorporating by refernece the Tamarack Fiscal Plan in the manner set forth in I.C. 36-1-5-4, satisfies the statutory requirements set forth in I.C. 36-4-3-13(d).

8. The Remonstrators were not denied their right to due process of law under either the federal or Indiana constitutions by either the court's denial of their motion for continuance or by any other aspect of the procedural setting of this case. Clark v. Clark (1980), Ind. App., 404 N.E. 2d 23, 36.

9. The Remonstrators were not denied their right to due process of law under either the federal or Indiana constitutions by the court's adherence to the statutory time limit set forth in I.C. 36-4-3-11(c). See, e.g. Biggs v. Board of Zoning Appeals (1983), Ind. App., 448 N.E. 2d 693, 694-95.

10. I.C. 36-4-3-11(c), as applied in this case, does not violate either Article I, Section 12 of the Indiana constitution or the fourteenth amendment to the U. S. constitution.

11. The Remonstrators lack standing to challenge the constitutionality of I.C. 36-4-3-11(c) because of their failure to serve the Attorney General of the State of Indiana.

12. If the Remonstrators have standing to challenge the constitutionality of I.C. 36-4-3-11(c), it is hereby determined that I.C. 36-4-3-11(c) is constitutional.

JUDGMENT

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. I.C. 36-4-3-11(c) is declared to be constitutional and not violative of either Article I, Section 12 of the Indiana Constitution, or the fourteenth amendment to the U. S. Constitution.

2. That the annexation proposed by City of Fort Wayne Annexation Ordinance X-05-88 take place.

3. The Clerk of the Court is hereby directed to deliver a certified copy of this judgment to the Clerk of the City of Fort Wayne.

Date: April 20, 1989

Judge, Allen Circuit Court

CC: Lawrence A. Levy
5904 East State Boulevard
Fort Wayne, Indiana 46815

J. Timothy McCaulay
Corporation Counsel - City of Fort Wayne
300 Metro Building
Fort Wayne, Indiana 46802

Attest:
The above and foregoing is a true and perfect copy of JUDGMENT OF Annexation upon Remonstrance as the same appears and remains of record in my office.
Witness my hand and seal this 20th day of April 1989
Connie L. Campbell
CLERK